

**COLONEL WILLIAM SORELL
LIEUTENANT-GOVERNOR
OF VAN DIEMEN'S LAND 1817–1824**

**AN EXAMINATION OF HIS CONVICT SYSTEM AND
ESTABLISHMENT OF FREE SETTLEMENT**

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This thesis contains no material which has been accepted for the award of any other degree or diploma by the University or any other institution, except by way of background information and duly acknowledged in the thesis, and to the best of my knowledge and belief no material previously published or written by another person, except where due acknowledgment is made in the text of the thesis.

Leonie C. Mickleborough
March 2002

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ABSTRACT

Set against the background of a British penal colony established for less than fifteen years, this thesis examines Van Diemen's Land during the administration of Colonel William Sorell who was appointed Lieutenant-Governor in 1817 to replace Thomas Davey. The early history of Van Diemen's Land has been dominated by the extensively documented rule of George Arthur who succeeded Sorell in 1824, and whose vast and occasionally self-promoting correspondence tended to diminish the achievements of his predecessor. The main features of Sorell's administration, ranging from his immediate need to restore order due to a bushranging crisis, his sponsorship of a vigorous expanding pastoral economy as well as the impact of that economy on a declining Aboriginal population, and what steps Sorell took to ameliorate that impact, or to advise the British Government of the consequences of the impact, will also be examined.

The major purpose is to investigate Sorell's convict administration system, and it will be demonstrated that he established a system of convict control with an emphasis on incentive as well as punishment, on which Arthur was later able to base his system of 'Black Books'. Sorell employed convicts in public works and successfully facilitated the assignment of other convicts to settlers. As a result of his resourcefulness and organisation, he established Macquarie Harbour as a place of secondary punishment. An influx of convicts followed the first direct shipment from Britain to the colony in 1818, and the same year free settlers also started arriving in large numbers, mainly due to a change of policy in Britain. Sorell's encouragement of entrepreneurialism, and his vigorous economic leadership meant the colony began to compete economically with New South Wales.

As a result of a concern that transportation might no longer be an effective object of apprehension in Britain nor the means of reformation in the settlement, a commissioner, John T. Bigge, was sent by the Colonial Office to enquire into the situation in New South Wales and Van Diemen's Land. Bigge was also directed to enquire into Sorell's private life, as shortly after Sorell's arrival it was disclosed that it was not his own wife with whom he was living. Sorell was permitted to continue in his position for almost seven years following the disclosure, possibly indicating satisfaction with his leadership. However, as morals and the balance of free settlers in the colony began to change, it prompted the essential recommendation of Bigge for Sorell's recall, which was finally sent to him in 1823. Sorell received no further imperial appointment. The contradictory circumstances of this recall, set against a background of administrative success, has, perhaps, limited historical appreciation of the extent of Sorell's achievement of bequeathing an effective convict system and strong economy to his successor.

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This thesis could not have been completed without the guidance and support of my supervisor, Peter Chapman, of the School of History and Classics. Paul Edwards and Max Sorell have both been enthusiastically interested and willing to share family information about their ancestors, William Sorell and Anthony Fenn Kemp, for which I am grateful. Fellow University of Tasmania friends and colleagues Dianne Snowden, Tim Jetson, Michael Connor, Dr Alison Alexander and Dr Stefan Petrow assisted with advice and proof reading. Their comments I very much appreciated. Though there were times I doubted I would complete this thesis, my daughter Angela was a source of constant support.

I dedicate this research to two of my paternal great-great-great grandfathers, Nissen (Nison) Jacobson and John Tattersall, both of whom had first-hand experience of Sorell's convict system after they arrived at Hobart Town. Jacobson, a segar (cigar) manufacturer, transported after being found guilty of 'having forged notes', arrived on 18 June 1818 aboard the *Lady Castlereagh*, and was assigned to Police Magistrate A.W.H. Humphrey. Tattersall, a weaver, was guilty of burglary and theft, and a 'capital respite', and arrived on 1 December 1820 aboard the *Maria*. He was employed in the public works as a sawyer and later as a constable in the field police.

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ABBREVIATIONS

AB694/TA35 Bonwick Transcript AOT

ADB Australian Dictionary of Biography.

AJCP Australian Joint Copying Project.

AO NSW Archives Office of New South Wales, Sydney.

AOT Archives Office of Tasmania, Hobart.

CO Colonial Office Records.

CSO Colonial Secretary's Office.

CTHS Bulletin of the Centre for Tasmanian Historical Studies. University of Tasmania, Hobart.

GRO Government Record Office, England.

HRA Historical Records of Australia.

HTG The Hobart Town Gazette and Southern Reporter.

IGI International Genealogical Index. Church of Jesus Christ of Latter Day Saints, Utah, United States of America. March 1992 edition. County: London. Country: England.

JRAHS Journal of the Royal Australian Historical Society. Sydney

PRO Public Record Office, England.

RGD Registrar General's Department records (AOT).

THRA P&P Tasmanian Historical Research Association, Papers and Proceedings.

THS Tasmanian Historical Studies. Bulletin of the Centre for Tasmanian Historical Studies. University of Tasmania, Hobart.

CONVERSIONS

Length

1 foot (ft) = 30.5 centimetres (cm)

1 yard (yd) = 0.914 metres (m)

1 mile = 1.61 kilometres (km)

Mass

1 pound (lb.) = 454 grams (g).

Volume

1 bushel = 0.0364 cubic metres

Area

1 acre (ac) = 0.405 hectares (ha) = (4050 m²)

1 rood = 1012.15 m²

1 perch = 25.3 m²

1 square mile = 2.59 km²

Currency

In the currency during the period covered by this thesis, there were 12 pennies (d) in one shilling (s), and 20 shillings in one pound (£). A guinea was £1 1s 0d.

Australia changed to decimal currency in 1966, when £1 became equal to \$2

Approximate equivalents:

1 penny (1d) = 1 cent

1 shilling (1s 0d) = 10 cents (\$0.10 or 10c)

1 pound (£1) = 2 dollars (\$2)

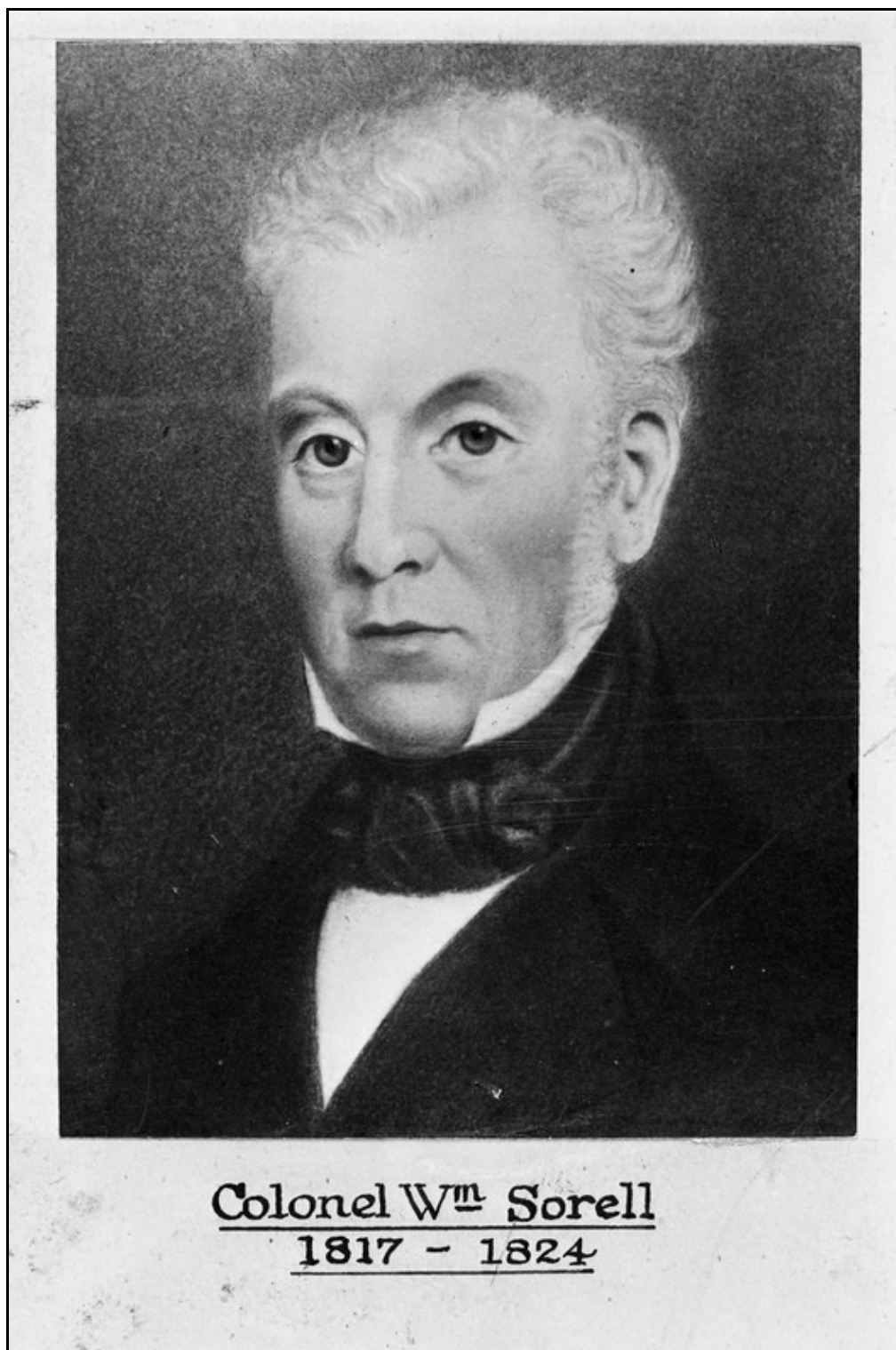
1 guinea (£1.1.0) = 2 dollars 20 cents (\$2.20)

7 guineas (£7.7.0) = 15 dollars 40 cents (\$15.40)

12s 0d - twelve shillings = \$1.20

£500 - 500 pounds = \$1,000

£800 - 800 pounds = \$1,600



Portrait of Colonel William Sorell (copy) Archives Office of Tasmania
Format: Photograph. ADRI: AB713-1-5104

INTRODUCTION

VAN DIEMEN'S LAND BEFORE SORELL

In September 1803, the British arrived at the Derwent River in Van Diemen's Land to form a new settlement, in what to them, was a little known land 12,000 miles from home. At Sydney, four months earlier, the primary reason Governor Philip Gidley King gave for establishing the settlement, was to forestall any attempt by the scientific expedition led by Commodore Nicolas Baudin to found a French colony on the island. King's concern that such an attempt might be made, had been motivated by the recent discovery of Bass Strait, which cast doubt on Captain James Cook's original claim to the island as part of eastern Australia.¹ King also believed there was an opportunity in the colony to promote a fishery, as King's Island,² in Bass Strait, had an abundance of 'seals and sea elephants'. According to King, Lieutenant John Bowen had offered to settle any part of Van Diemen's Land that King directed.³

The primary reason King gave for selecting the Derwent River, in the south of the colony, as the site for the new settlement, was because it had many 'local advantages'.⁴ He was also impressed with the favourable description of Risdon Cove on the eastern shore of the Derwent River provided by the early explorer George Bass. Following his decision on settlement, and subsequent advice to Lord

¹ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume iv. 1803-June 1804* (Sydney, 1921), p.144 King to Hobart 9 May 1803; *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume i. Port Phillip Victoria 1803-1804, Tasmania 1803-June 1812* (Sydney, 1921), p.790 n32.

² Currently known as 'King Island'.

³ *HRA I*, iv p.145 King to Hobart, 9 May 1803.

⁴ *HRA I*, iv p.144 King to Hobart, 9 May 1803.

Hobart, King appointed Bowen commandant and superintendent, and Jacob Mountgarrett as surgeon and magistrate.⁵

At Risdon Cove, Bowen was in command of forty-nine people, including twenty-one male and three female convicts, members of the New South Wales Corps, free settlers, and their families. After the small settlement was established, King sent forty-two more convict labourers from Sydney, Lieutenant William Moore of the New South Wales Corps as a subaltern officer, and James Meehan to undertake exploration and survey.⁶

In February 1804, Bowen was replaced by Lieutenant-Governor David Collins.⁷ Collins had left England in 1803 in the *H.M.S. Calcutta*, with a military and civil establishment, free settlers and 308 specially selected convicts. They arrived at the newly discovered Port Phillip on Bass Strait on 9 October 1803, which was about a month after Bowen had established himself at the Derwent River. The officers of Collins' establishment were the Colonial Chaplain Reverend Robert Knopwood, Surgeon William I'Anson, First Assistant-Surgeons Matthew Bowden and William Hopley, Deputy-Commissary Leonard Fosbrook, Deputy-Surveyor George Prideaux Harris, and the mineralogist Adolarius William Henry Humphrey. Thomas Clark and William Patterson were superintendents, and the overseers were John Ingle and William Parish.⁸

⁵ *HRA* I, iv p.144 King to Hobart, 9 May 1803.

⁶ L.L. Robson, *A History of Tasmania, Volume 1 Van Diemen's Land from the earliest Times to 1855* (Melbourne, 1983), p. 35; *HRA* III, i pp.202-205 King to Bowen, 18 October 1803.

⁷ See J. Currey, *David Collins: A Colonial Life* (Carlton, 2000), for a modern bibliography of Collins.

Collins was dissatisfied with Port Phillip as the site for a settlement. Situated in a 'deep and dangerous Bight between Cape Albany Otway and Cape Schanck', it was very difficult to enter.⁹ Viewed in a commercial light, the bay was wholly unfit for the purpose of the settlement, and according to Collins, it required a 'well-manned and well-found ship, a leading Wind, and a certain Time of Tide, for the Ebb' ran out at the 'rapid rate of from five to seven knots an hour'.¹⁰ Collins also reported a lack of good soil and water within easy access of the bay. He was aware of the difficulty and losses involved in a move, despite which, he could not see any advantage of staying at Port Phillip.¹¹ Collins' reaction was to send a reconnaissance to Port Dalrymple, and, though the northern site of Van Diemen's Land was found to be reasonable, further investigations revealed that the entrance to the Tamar River was complex, and that the Aboriginal people were evidently extremely hostile. As well as these problems, Collins had a possible mutiny on his hands. He thought that his party was too weak in numbers to subdue a serious rebellion, and that by joining the detachment of the New South Wales Corps at the Derwent, the discontent would be checked. King advised Collins to move to the Derwent River and Bowen's settlement. He arrived there on 15 February 1804.¹²

Collins immediately disapproved of the site of Risdon.¹³ The establishment was on several small hills and it was a steep climb, the stream that had attracted Bowen was dry, and the nearest supply was a considerable distance. Bowen's settlement was

⁸ *HRA* III, i p.33 Return of Officers belonging to the Civil Establishment of Port Phillip, 5 November 1803, Enclosure No. 1 in *HRA* III, i pp.32-33 Collins to King, 5 November 1803.

⁹ *HRA* III, i p.29 Collins to King, 5 November 1803.

¹⁰ *HRA* III, i p.29 Collins to King, 5 November 1803.

¹¹ *HRA* III, i p.27 Collins to King, 5 November 1803.

¹² Robson, *A History of Tasmania Volume 1*, p.40.

exposed to cold winds off Mount Wellington, the creek at the landing area was only accessible at certain tides, the land was less fertile than Collins had hoped it would be, and the storehouse was endangered by very heavy rains. Collins sent Harris in search of a more suitable spot, which he soon found.¹⁴ On Sunday 19 February, moving commenced to the western shore of the Derwent River, to an area which Collins named Sullivan's Cove,¹⁵ in the centre of which was Hunter's Island which he described as being 'connected with the Main Land at low Water, admirably adapted for the landing and reception of Stores and Provisions'. He also described a 'Run of clear fresh Water' with its source in a 'Rock in the Vicinity of the Table Mountain'.¹⁶

Collins died unexpectedly on 24 March 1810, having administered the colony for six years. At the time the population was approximately 1,062, of whom a large proportion had been transferred from Norfolk Island.¹⁷ Only a very small percentage of the total were settlers, and fewer still were free immigrants.¹⁸ The colony was divided into two counties and centres of authority, the County of Cornwall in the north, and the County of Buckinghamshire in the south. Lieutenant Edward Lord, as Collins' second-in-command, filled the position of acting commandant following

¹³ Collins found that Bowen had given the name 'Hobart' to his camp at Risdon, see Currey, *David Collins: A Colonial Life*, p.218.

¹⁴ *HRA* III, i pp.222-3 Collins to King, 29 February 1804.

¹⁵ A. Hudspeth and L. Scripps, *Battery Point: Historical Research Supplement* (Hobart, 1990), p.iii, named after John Sullivan, Under-Secretary at the British Colonial Office.

¹⁶ *HRA* III, i p.223 Collins to King, 29 February 1804. 'Sullivan's Cove' later became 'Hobart Town', 'Hunter's Island' became 'Hunter Island', and 'Table Mountain', 'Mount Wellington'.

¹⁷ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume vii. January 1809-June 1813* (Sydney, 1916), pp.284-5 Macquarie to Castlereagh, 30 April 1810.

¹⁸ R.B. Madgwick, *Immigration into Eastern Australia, 1788-1831* (Sydney, 1969), p.27.

Collins' death..¹⁹ However, disapproving of Lord, Governor-in-Chief Lachlan Macquarie in Sydney, hastily sent Captain John Murray of the 73rd Regiment to relieve him, and in February 1812, Murray, who was described by Macquarie as being 'very deficient in Principles of honor and integrity', was replaced by Lieutenant Andrew Geils, also of the 73rd Regiment.²⁰

Collins' official successor, Lieutenant-Governor Thomas Davey, with his wife, their daughter and party, arrived at the Derwent River on 4 February 1813 after a stay of three months at Sydney. While Davey and his party were at Sydney, Macquarie decided that Mrs Davey was amiable, but he was unimpressed with the new Lieutenant-Governor, as he exhibited 'an extraordinary degree of frivolity and low buffoonery in his Manners'.²¹ Contemporary views of Davey were diverse. Reverend Robert Knopwood described, with apparent approval, family dinners at Government House, attendance at Church, and excursions into the countryside,²² however Davey was also winning notoriety for his eccentricities of behaviour. 'Mad Tom', or 'The Mad Governor', as some of the locals called him, frequently caroused at 'The Bird in Hand' both day and night, with convicts as his drinking companions. He was unconventional in his dress, and also dropped in at the first house he came to for a drink.²³

¹⁹ D. Pike (General editor), *Australian Dictionary of Biography Volume 2 1788-1850* (Carlton: 1967), p.127; A. Alexander, *Governors' Ladies: The Wives and Mistresses of Van Diemen's Land* (Hobart, 1987), pp.36-8, 57-9.

²⁰ *HRA* III, i p.478 Macquarie to Major Geils, 1 June 1812.

²¹ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume viii. July 1813-December 1815* (Sydney, 1916), p.458 Macquarie to Bathurst, 22 March 1815 marked 'Private and confidential'.

²² M. Nicholls (editor), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), examples, 30 February, 13 March, 11 April, 10 May, 9 June 1814, 18 January, 20 February, 12 August 1815.

²³ C.M.H. Clark, *A History of Australia Volume I. From the earliest times to the age of Macquarie* (first published 1962: reprinted Carlton, 1981), p.284.

Davey inherited an infant colony which had only been established for ten years, with its attendant problems which reflected the rushed strategic settlement: especially a lack of regular supplies, and severe problems with bushrangers and incompetent officials. Some understanding of conditions during Davey's early years can be gauged from a notice in the *Hobart Town Gazette and Southern Reporter* of 8 June 1816. Recent improvements were noted as being a 'commodious and very useful Wharf'²⁴ on Hunter's Island, and there was the hope of a connecting causeway being erected a little above high-water mark for the better conveyance of carts for those whose business required them to frequent the wharf. The bodies of felons who were gibbeted on Hunter's Island became 'Objects of Disgust', and so Davey ordered that the future place of execution would be at a point of land near Queenborough. He also issued a caution to those intending to travel between Hobart Town and the northern settlement of Port Dalrymple, because of the hostility of the Aborigines, travellers were advised not to proceed without firearms.²⁵

The escalation of bushranging challenged the resources of Davey, who was greatly hampered by a lack of legal machinery capable of dealing with the problem, and he continually complained about Macquarie's lack of response to his requests for increased military protection. On 18 August 1814 Macquarie finally replied to four letters of complaint in which Davey reported problems encountered with the bushrangers. Macquarie acknowledged the 'very atrocious and daring depredations' of those who 'infest the neighbourhood of Port Dalrymple and other parts of Van Diemen's Land'. He also expressed his 'deepest concern for the sufferings of the

peaceable and industrious settlers'.²⁶ In March 1815 Davey was still complaining about Macquarie's lack of action, and in stronger terms warned Macquarie that the depredations had become 'so outrageous and alarming', that he was compelled to adopt the most 'rigorous and decisive measures' within his power.²⁷

In April 1815, Davey declared martial law. He was condemned by Macquarie, but it had been a policy advised by the magistrates and Justices-of-the-Peace, Reverend Robert Knopwood, James Gordon and Francis Williams.²⁸ Davey's action of declaring martial law, though illegal, was the one measure that effectively curtailed bushranging. It was Macquarie, as Captain-General and Governor-in-Chief who was granted full powers to declare martial law.²⁹ Nevertheless, the commission granted to Davey defined no powers specifically, but made him subject to the orders and instructions of the Governor-in-Chief. Davey claimed he was warranted in proclaiming martial law by the articles of War.³⁰

Macquarie's judgement of Davey was affected by his disapproval of Davey's personal behaviour, and Macquarie requested his removal. In April 1816 Lord Bathurst accepted Macquarie's repeated criticisms and told him Davey would be asked to resign. The appointment of Colonel William Sorell to replace Davey afforded Macquarie 'sincere satisfaction' as he believed that it promised benefits to

²⁴ *The Hobart Town Gazette and Southern Reporter* 8 June 1816, p.1, col. 1-2.

²⁵ *HTG* 8 June 1816, p.1, col. 1-2.

²⁶ AOT Reel 6071 p.151 Macquarie to Davey 18 August 1814 replying to complaints of 25 May and 10, 15 and 17 June 1814.

²⁷ *HRA* I, viii pp.472-3 Davey to Macquarie, 13 March 1815.

²⁸ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the States. Volume ii. Tasmania July 1812-December 1819* (Sydney, 1921), p.79 'Meeting of a Bench of Magistrates' Hobart Town, 30 August 1814.

²⁹ *HRA* I, viii p.675 n123; p.186.

the settlements.³¹ On 9 April 1817 Sorell assumed control of the colony with its diverse population of convicts, settlers, assigned servants, bushrangers and the military. Sorell inherited a colony with very considerable problems of law and order.

SORELL'S ADMINISTRATION

Historiographically, the early history of Van Diemen's Land has been dominated by the extensively documented rule of George Arthur, who succeeded Sorell in 1824, and whose vast and occasionally self-promoting correspondence tended to diminish the achievements of his predecessor. One aim of this thesis is to establish whether the features of Sorell's administration, have in fact, been overshadowed by extensive research and reporting of Arthur. One comparison can be achieved from the space devoted to the two men in histories of the colony, and also in official documentation in *Historical Records of Australia*. In John West's classic study, *The History of Tasmania*,³² fifteen pages are devoted to Sorell's seven years of administration, and fifty-seven pages to Arthur's twelve years, without considering the relevant pages in the specialist sections on 'The Aborigines' and 'Transportation'. In Lloyd Robson's *A History of Tasmania*,³³ information on Sorell fills thirty-nine pages, while that on Arthur monopolizes one hundred and fifty-two pages.

Despatches from the colony to England during Sorell's seven year administration fill approximately 1,000 pages in *Historical Records of Australia, Series III, Governors'*

³⁰ HRA I, vii p.730 Macquarie to Davey, 30 January 1813, Enclosure No. 1 in Macquarie to Bathurst 23 June 1813 pp.707-788.

³¹ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume ix. January 1816-December 1818* (Sydney, 1971), pp.338-9 Macquarie to Bathurst 3 April 1817.

³² J. West, *The History of Tasmania*. A.G.L. Shaw edition (Sydney, 1981), pp.58-72, pp.79-136.

³³ Robson, *A History of Tasmania Volume I*, pp.94-133, pp.137-288.

Despatches and Papers relating to the Settlement of the States.³⁴ By comparison, the extraordinary productivity of official documentation from the first four years of Arthur's administration totals approximately 2,160 pages.³⁵ The last publication of *Historical Records of Australia* was for the year 1828, and the remaining eight years of his administration will therefore fill even more volumes, and will further emphasize the difference in correspondence.

The major purpose of this thesis is to investigate Sorell's convict administration system, with particular reference to his role in the development of the convict system and the establishment of free settlement, leading to successful economic development in the colony. The available evidence is conclusive that Sorell established a system of convict control with an emphasis on incentive as well as punishment. His system of recording details was so successful that Arthur was later able to use it as a basis for his system of Black Books. Sorell employed convicts in public works while other convicts were assigned to settlers, and he also established Macquarie Harbour on the west coast as a place of secondary punishment. The system of convict employment in both public works and assignment to settlers receives extensive coverage in Chapter 3, as does Macquarie Harbour penal station

³⁴ *HRA III*, ii 238 pages; *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania January-December 1820* (Sydney, 1921), 667 pages; *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825* (Sydney, 1921), 93 pages. There is also some sundry correspondence included in *Series I*.

³⁵ *HRA III*, iv 308 pages; *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume v. Tasmania December 1825-March 1827. Northern territory 1823-1827. Western port Victoria 1826-1827* (Sydney, 1922), 722 pages; *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume vi. Tasmania April-December 1827. West Australia March 1826-January 1830. Northern territory August 1824-December 1829* (Sydney, 1923), 445 pages; *Historical Records of Australia. Series III. Despatches and Papers relating to the History of Tasmania. Volume vii. Tasmania, January-December 1828* (Canberra, 1997), 685 pages.

in Chapter 4. Macquarie Harbour remained in operation until Arthur closed it in 1833, after commencing a prison at Port Arthur two years earlier.

The rapid increase in the number of free settlers arriving during Sorell's administration required him to deal with the subsequent demands on government officials, while at the same time he found it necessary to control incompetent officials. He successfully maintained his Blue Books, from their implementation in 1822, containing details of government departments and staff, a system which Arthur continued until independence. The economic development of the colony was dependent on the free labour of the assigned convicts and the free land grants for emigrating settlers. The importance of this combination cannot be over-emphasized. It is clear that agricultural development, and hence commercial development, would not have advanced to such an extent during Sorell's leadership had he not promoted the dual combination. Indeed, his vigorous championing of the expansion of the pastoral industry provided a social economic base for Arthur's later elaborate assignment system.

The increase in settlers, especially after 1818, impacted on the Survey Department as new arrivals applied for land grants. The number of surveyors was insufficient for the increase in the work load, and there were problems with the registration of grants which was required to be completed at Sydney. These problems will be analyzed in Chapters 6. The impact of the agricultural expansion of European settlement on the Aboriginal population and also the interaction and co-existence of this population group with bushrangers will also be considered. It will be found that incidents of conflict between the two races, the European settlers and the Aboriginal hunter-

gatherer people, were over competition for the same land and the kangaroo. A crisis was emerging, the full extend of which appears to have been unperceived by Sorell, and the Aboriginal population was rapidly decreasing. These aspects will be covered in Chapter 7.

As a result of a concern that transportation might no longer be an effective deterrent of crime in Britain, nor the means of reformation of convicts in the settlements,³⁶ a commissioner, John Thomas Bigge, was sent by the Colonial Office to enquire into the situation in New South Wales and Van Diemen's Land. Bigge was also directed to enquire into Sorell's private life, as shortly after Sorell's arrival it was disclosed by a settler, Anthony Fenn Kemp, that Sorell was not living with his own wife, Harriet Sorell, but with the wife of an officer Sorell had met while at the Cape of Good Hope when he was Deputy Adjutant-General for the British forces. Sorell was permitted to continue in his position as Lieutenant-Governor for almost seven years following the disclosure, apparently indicating satisfaction with his leadership, and details of this will also be discussed.

³⁶ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume x. January 1819-December 1822.* (Sydney, 1917), p.807 Bathurst to Sidmouth, 23 April 1817.

CHAPTER 1

EARLY LIFE AND EARLY CAREER OF WILLIAM SORELL

William Sorell was the eldest son of Jane, and her husband Lieutenant-General William Alexander Sorell of the Coldstream Guards and Colonel of the 48th Foot, a regiment which eventually came to be closely associated with Van Diemen's Land and New South Wales. William was baptized at the Church of Saint Mary, in the parish of St. Marylebone, London, on 22 September 1773,¹ where on 6 February 1777, his younger brother Edward was also baptized.² The earliest Sorell of the direct line that family members 'can be reasonably sure about' is John Sorell, known to have lived in Essex before 1626. John's son Richard purchased *Hyde Hall* in Essex in 1650, and Richard's son Francis lived in Westminster, and died in 1749. The family background was therefore upper-class with a strong military influence, and so it is not surprising that William entered the army. It was Francis Sorell's son, William, and his wife Jane, who were parents of William, Thomas, Edward and Catherina.³

¹ D. Pike (General editor), *Australian Dictionary of Biography Volume 2 1788-1850 I-Z*. (Carlton, 1967), p.459 states 'SORELL, WILLIAM (1775-1848)' . . . 'born probably in the West Indies'. This birth year appears to be incorrect. According to death certificate Government Record Office 460/1848 Marylebone, Middlesex, he died 4 June 1848, aged 74 years at 27 George Street, Marylebone, see also death notice in *The London Times Supplement*, 8 June 1848, p.1, col. 1. Despite the notice, there is no reference in *Palmer's Index to The London Times 1790-1905*. There is no obituary. *International Genealogical Index*. (Utah, March 1992), Church of Jesus Christ of Latter Day Saints, England, London, p.140,040 records he was baptised 22 September 1773 at St. Mary's Church, Marylebone. Assuming official details are correct, he was born between 5 June 1773 and 22 September 1773. All that is known about William's mother is that her name was Jane.

² *IGI*, p.140,030; P.B. Edwards, *Of Yesteryear and Nowadays* (Hawley Beach, 1994), pp.73-4, J. Sorell, *Governor, William and Julia Sorell (Three Generations in Van Diemen's Land)* (Hobart, c.1988), p.19; 'Sorell Family Pedigree' (privately held).

³ See Appendix A Figure 1, for birth and death dates.

When William was eight years old, he was enrolled in the Westminster School, which he attended with his brother Edward. On 18 August 1790, William entered the army as an Ensign in the 31st or Huntingdonshire Regiment of Foot, and three years later he was promoted to the rank of Lieutenant and began his active service in the West Indies with the 2nd Grenadier Battalion. In that, and subsequent years, he served in the army under Sir Ralph Abercromby. On 9 October 1795 Abercromby received his instructions to sail with his force to Barbados, where he was to ‘deal first’ with Guadeloupe and St. Lucia, which were to be his principal objects, and then consider the feasibility of an attack upon the Dutch settlements of Surinam, Berbice and Demerara.⁴

Sorell was present at the captures of Guadeloupe and St. Lucia on 25 May 1796, the siege of Fort Bourbon, the night attack on the Vigie, and the assault on Morne Fortune on 27 May 1796,⁵ where he was severely wounded, after which he was shipped home to recuperate.⁶ The troubles that beset the troops in the West Indies were manifold: even when yellow fever spared them, they were ‘worked to death’. They were without proper clothing or comfort, and were exposed to tropical sun,

⁴ J.W. Fortescue, *A History of the British Army, Volume 4 Part 1, 1789-1801*. (London, 1906), p.477-8; According to a return of November 1795, the force under Abercromby’s immediate command totalled 641 officers and 17,792 non-commissioned officers and men, see p.477 n2.

⁵ Fortescue, *A History of the British Army, Volume 4 Part 1*, p.492.

⁶ Sorell, *Governor, William & Julia Sorell*, p.19, *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the States. Volume iii. Tasmania: January-December 1820* (Sydney, 1921), p.vii.

tropical rain, mosquitoes, sandflies, and the ‘myriad torments of the torrid zone, it was insufferable’.⁷

On 1 September 1795, Sorell was promoted to the rank of Captain-Lieutenant in his regiment and Captain in the army, and in 1799 he acted as aide-de-camp to Lieutenant-General Sir James Murray. In August that year he accompanied his chief on the expedition to the Helder, North Holland, under Sir Ralph Abercromby, where the operations were directed against the French who were established throughout Holland.⁸ On 4 August the full strength of the infantry was 497 officers and 11,820 non-commissioned officers and men, of whom 753 were sick.⁹ On 14 August 1800, Sorell was transferred to the 4th or King’s Own Regiment with the rank of Captain. In 1800 as military secretary, he accompanied the army to Ferrol and the coast of Spain. After returning to England, for a brief period he was on half pay, until 25 May 1803 when he was gazetted Captain in the 18th or Royal Irish Regiment. He served with the army on the south coast until he was appointed Major in the 43rd or Monmouthshire Regiment of Foot in August 1804, and commanded the 2nd Battalion of the Regiment during the organisation and training of the Light Brigade under Sir John Moore.¹⁰

As well as the military aspect of Sorell’s life, there was also a personal side.

Seemingly between campaigns, and in October 1799 or earlier, he formed an

⁷ Fortescue, *A History of the British Army, Volume 4 Part 1*, pp.454-5.

⁸ *HRA III*, iii p.vii.

⁹ J.W. Fortescue, *A History of the British Army, Volume 4 Part II, 1789-1801*. (London, 1906), p.653-4 n1, p.654.

¹⁰ *HRA III*, iii p.vii.

intimate relationship with Harriet Coleman, who, between July 1800 and 1807, gave birth to seven of his children.¹¹ On 17 April 1807, Sorell was promoted to Brevet Lieutenant-Colonel (acting Lieutenant-Colonel on a Major's pay) and appointed Deputy Adjutant-General to the British forces at the Cape of Good Hope. Later that month he was appointed a Major in the 4th Garrison Battalion and the following year was placed on half pay as a Major in the Foreign Cavalry Regiment, also known as Hompesch's Mounted Riflemen. This was a regimental transfer, and Sorell still held office as Deputy Adjutant-General until he returned to England towards the end of 1811.¹² His appointment at the Cape, captured from the Dutch on 18 January 1806, required him to remain abroad for a long period of service, and marked a turning point in both his career and personal life.¹³

On 31 July 1807, shortly before leaving for the Cape he married Harriet Coleman,¹⁴ who stayed in England to care for their seven young children, and Sorell arranged for her to receive half his pay.¹⁵ He also left Harriet with letters of recommendation addressed to the Duke of York, his friend Colonel (later Sir) Henry Torrens, the Duke's military secretary, and Sir John Pulteney. In the event of his dying

¹¹ Possibly the Harriet Coleman baptised at St. John's Westminster on 29 July 1775, the daughter of Matthew and Elizabeth Coleman. See Edwards, *Of Yesteryear & Nowadays*, pp.74-5. See Appendix A, Figure 2 for details of the children.

¹² R.W. Giblin, *The Early History of Tasmania Volume II* (Melbourne, 1939), p.144.

¹³ J.W. Fortescue, *A History of the British Army, Volume 5 1803-1807* (London, 1910), p.309.

¹⁴ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819.* (Sydney, 1921), pp.338-9 Mrs Ht. Sorell to Bathurst 21 June 1818, Enclosure in HRA III, ii pp. 337-339 Bathurst to Sorell, 6 August 1818. Sorell married Harriet Coleman not 'Louisa Matilda, daughter of Lieut.-General Cox' as incorrectly stated in Pike (General editor), *ADB* Volume 2, p.459, J. Ritchie, *Punishment and Profit*. (Melbourne, 1970), p.142 and also R.M.H. Garvie, 'The Journal of William Sorell', *Tasmanian Historical Research Association Papers and Proceedings* 9.1 (February, 1961), p.28. They were married 31 July 1807 at Church of St. Mary, St. Marylebone Parish, County of Middlesex 1807, reference no. 883 p.295.

unexpectedly, Harriet would have three influential men from whom she could seek help. Their seven-year-old son William witnessed the emotional parting between his parents, and sixteen years were to elapse before their first born child saw his father again. Having provided for the security of his wife and children during his absence, Sorell lived at the Cape without Harriet beside him to take her part in the social activities expected of an Adjutant's wife.¹⁶

Also travelling to the Cape in 1807 was Lieutenant William Kent with orders to join his regiment, the 21st Light Dragoons. Kent had with him his wife, whom he had married in 1804, and the surviving daughter of the two girls who had been born to them.¹⁷ Mrs Kent's Christian names and her maiden name were unknown until recently, when research into the diary of William, the first born son of Colonel William and Harriet Sorell, Sorell family records, and other sources has revealed that she was Louisa Matilda, daughter of Lieutenant-General Thomas Cox.¹⁸ At the Cape of Good Hope, Sorell was understood to be a single man, and within a couple of years of arrival, unknown to her husband, he embarked upon a flirtation with the 'very pretty and interesting' Mrs Kent who was fifteen years his junior. The Kents enthusiastically entered into the busy social life of parties and dinners, and a frequent guest at their table was Sorell, who was described as rather grave, steady, reserved

Thos. Clare, Curate. Harriet signed with an X.. Witnesses were Thos. Bird, Wm. Robinson. See also *IGI*, p.140,039.

¹⁵ *HRA III*, ii pp.338-9; Sorell, *Governor William & Julia Sorell*, p.21.

¹⁶ 'Journal of William Sorell 1 August 1823-12 August 1825', 29 December 1823; Sorell, *Governor, William & Julia Sorell*, p.21; *HRA III*, iii p.viii.

¹⁷ AOT AB694/TA35/10, p.4199 evidence of counsel, and p.4209 evidence of Major McDonald.

¹⁸ 'Journal of William Sorell', 31 July 1824 'Mrs L.M. Sorell' & 18 April 1825 'Louisa Matilda' while on 21 April he received a letter from 'mother'; Edwards, *Of Yesteryear & Nowadays*, pp.75-6, 78-9 for surname as Cox; See Sorell, *Governor, William & Julia Sorell*, pp.23, 84 for Louisa Matilda Cox.

and highly respectable. Apparently Sorell professed great friendship for Kent, and promised to help him win promotion. Kent was flattered by such attention from a superior officer, and was therefore enthusiastic to see as much as possible of Sorell, who, 'at his own particular request' was made god-father to one of the Kents' two children born at the Cape. At least one of the Kent's four children died at the Cape of Good Hope.¹⁹ The suggestion that perhaps Sorell was the father of the child has been raised by at least one modern historian.²⁰ If this was the case, by being the child's god-father Sorell would have a socially acceptable way of providing parental guidance other than as a parent.

In 1811, Kent returned to England on six months leave of absence to settle some private affairs, and with him went his wife and two daughters.²¹ Sorell gave Mrs Kent a letter dated 2 March 1811 addressed to Colonel Shaw, asking him to arrange a place for her to stay if it was necessary for her between her arrival, and that of Sorell himself. In the letter he explained he was unable to secure a passage at the time, even though he had tried, and he hoped to travel in a frigate expected to sail within a few weeks.²² Sorell also gave Kent a letter. Addressed to Sir Henry Torrens and dated 6 March 1811, the letter noted Kent as 'a particular Friend of mine', and Sorell recommended him to Torrens's 'attention and good offices'.²³ Torrens was one of the men Sorell had suggested would be able to help his wife. Upon Sorell's return to

¹⁹ A. Alexander, *Governors' Ladies: The Wives and Mistresses of Van Diemen's Land Governors* (Hobart, 1987), p.71. AB694/TA35/10 pp.4200-2, for evidence of Brougham who was counsel for Kent. See Appendix A, Figure 4 for more details.

²⁰ A. Alexander, *Obliged to Submit: Wives & mistresses of colonial governors* (Hobart, 1999), p.98.

²¹ AB694/TA35/10 p.4206 Kent was expected to arrive about 10 May; AB694/TA35/10 p.4202, on 5 July 1817 Kent's counsel gave evidence that in 1811 there were two surviving children, 'lovely girls'.

²² HRA III, ii pp.782-3 n128 Sorell to Shaw, 2 March 1811.

England three months later, Mrs Kent left her husband, and began an open liaison which Sorell described in 1819 as his ‘one great error of conduct’.²⁴

Kent’s solicitor commenced legal action against Sorell in 1812, but shortly after, Kent was ordered to Ireland, then back to the Cape, and at the time his solicitor was unable to obtain sufficient evidence to proceed with the case. Meanwhile, Sorell and Mrs Kent lived together and within three years had two sons of their own. It seems probable that the two Kent daughters were also living with them.²⁵

On 12 November 1812, a year after his return to England, Sorell resigned his appointment as Adjutant-General at the Cape, and was immediately appointed Major in the 46th Regiment of Foot, but on 4 February 1813, he resigned from military service.²⁶ According to the historian R.W. Giblin, when Sorell made an application to the Commander-in-Chief for permission to sell his commission as a major, he was able to discuss his twenty-two years of service, and to stress that throughout that time he had obtained favourable reports from his superior officers. In testimony of this he could also refer to the recommendations made in the past by His Royal Highness himself, by general officers including Earl Mulgrave, formerly in command of the 31st Regiment and afterwards a member of the Cabinet, Sir James Pulteney, Sir John Moore, General Edward Smith, Colonel of the 43rd Regiment, and General Sir Charles Green formerly of the 31st Regiment, as some of whom he had served under

²³ *HRA* III, ii p.782 n128 Sorell to Torrens, 6 March 1811.

²⁴ AB694/TA35/10 p.4208 Brougham’s evidence; see *HRA* III, ii pp.376-7 Sorell to Bathurst, 20 January 1819 for ‘one great error of conduct’.

²⁵ AB694/TA35/10 p.4211 Brougham said Kent’s solicitor T. Williams proved Kent commenced legal action in 1812, and that he was unable to obtain sufficient evidence.

and had knowledge of his performance in his duties. In addition, Sorell claimed he was well known at the Horse Guards and on friendly terms with Sir Henry Torrens, the military secretary to the Duke of York, and therefore a power in the military world.²⁷

It is probable, therefore, that when Earl Bathurst, Secretary for War and the Colonies, was seeking a suitable person to appoint as Lieutenant-Governor of Van Diemen's Land in place of Thomas Davey, his former military associates thought of Sorell, and, ignoring his personal situation, recommended him to the Colonial Office. Satisfied with his preliminary investigations, (which it appears were not very thorough, otherwise he would have realized that no payments had been made to Sorell's wife and children), Bathurst wrote to Sorell on 8 April 1816, informing him of his appointment as Lieutenant-Governor of Van Diemen's Land. His commission was dated 3 April 1816.²⁸ Although it is not definite when Sorell was granted the military rank of Colonel, it appears to have been around this time.

Sorell had personal and financial problems arising from having to maintain two families. According to Harriet Sorell, when her husband returned to England at the end of 1811, he demanded and received the year's salary which had previously been assigned to her. He offered to look after the children's education and give her an annuity, but that was conditional on Harriet giving up the children, and she refused. Sorell stopped her money, and she and the children were deprived of all means of

²⁶ AB694/TA35/10 p.4211 Kemp to Ireland and the Cape, *HRA* III, iii p.viii.

²⁷ Giblin, *Early History of Tasmania II*, p.145; *HRA* III, iii p.viii.

support. She was ‘a cripple from Fire, . [her] . goods Seized for Rent’, and she was forced to take the six surviving children and seek refuge in the Saint Marylebone Parish Workhouse. Harriet Sorell and the children stayed in the workhouse for three months, during which time she contacted the Duke of York, and it was due to his pressure that Sorell promised an allowance of £150 per year. She received payment for six months, and in October 1814 Sorell reduced it to £120 per year which he paid until July 1815, when, according to Harriet, he again withdrew all support from his family. Harriet, being totally incapable of caring for her children’s needs, in April 1816 was forced a second time into a workhouse with her three youngest children, while the other three were ‘compelled to seek unprovided their own Support’.²⁹

It is unclear how much money Harriet did receive from Sorell, but what is clear is that he did not provide adequate financial support for them for much of the period 1815 to 1819. It seems probable that she received no more than £30 between July 1815 and September 1818, and a total of £50 between September 1818 and March 1819.³⁰

In 1817, Kent arrived back in England, and on 5 July the case was finally heard.

Kent’s solicitor presented a touching picture of the happy couple and their beloved

²⁸ Giblin, *Early History of Tasmania II*, p.145; *HRA III*, ii p.183 ‘Commission of Lieutenant-Governor Sorell’.

²⁹ *HRA III*, ii p.338 Harriet Sorell to Bathurst, 21 June 1818, Enclosure in Bathurst to Sorell, 6 August 1818 pp.338-9, *HRA III*, ii pp.376-7 Sorell to Bathurst, 20 January 1819.

³⁰ AOT AB694/TA35/13 pp.6123, 6118 for Harriet Sorell’s affidavit of 18 August 1818, that she had received a maximum of £30 in 3 years; Bathurst approved £25 per quarter from Sorell’s salary, first payment to be on 9 September 1818, Harriet Sorell’s appreciation to Goulburn, 10 August & 18 September 1818 AB694/TA35/13 p.6117; Harriet Sorell to Goulburn, 17 September 1818 AB694/TA35/13 p.6121.

children; then of the family torn apart by Sorell's indecent and improper behaviour, undermining Mrs Kent's virtue and seducing her affections. The jury retired for a few minutes, and returned with a verdict for the plaintiff, 'Damages, Three Thousand Pounds'. Considering Sorell's annual salary of £800, it was a very significant amount. The *London Times* of 7 July 1817³¹ printed a report of the suit against Sorell, which included his two letters, one directed to Sir Henry Torrens and the other to Colonel Shaw.³² It is possible that Sorell did not know of the imminent court case when he left England for his posting in Van Diemen's Land. Such a lack of knowledge, the time for information to be transmitted, and also the time which would elapse had he returned to England, could be reasons why he did not contest the case.

In December 1817, Harriet left the workhouse, and with her three youngest children, all daughters (Louisa, Matilda and Harriet), she found it necessary to seek assistance at the parish of St. George, Hanover Square, from where, the two youngest daughters were sent as parish apprentices to factories in Derbyshire. According to Harriet, the youngest was still at the factory in late June 1818. In 1818, the surviving six children were aged between 12 and 17 years, and according to Harriet, three were under the protection of parish aid, and the other three were forced into the 'most miserable situations for their own Support'.³³

³¹ *The London Times*, 7 July 1817 p.3, col. 3.

³² Alexander, *Governors' Ladies*, p.73; AB694/TA35/10 pp.4199, 4201; *HRA III*, ii p.782 n128; *Historical Records of Australia, Series 1 Governors' Despatches to and from England, Volume ix. July 1813-December 1815*. (Sydney, 1917), p.247. *HRA III*, iii p.x in 1823 Sorell's salary was £1,500 pa. Kent's solicitor was Henry Brougham. In March 1818, A.F. Kemp wrote to Brougham trying to instigate Sorell's dismissal, for details see Chapter 8.

³³ *HRA III*, ii pp.338-9 Harriet Sorell to Bathurst, 21 June 1818.

Harriet was living at 5 Stangate, Lambeth on 21 June 1818, at the time of writing the memorial to Bathurst, and the following month she asked for her mail to be forwarded to her son William, at Mr. Watkins, an Optician at 5 Charing Cross. As well as other information, she supplied proof of their marriage. She and Sorell had been married at Marylebone Church; such proof was necessary to enable money to be deducted from Sorell's salary. Harriet Sorell decided not to exhaust Bathurst with a 'painful recital' of all the many miseries and hardships which she had 'undeservedly suffered from the Cruel neglect' of her husband, whose duty it was to provide 'Comfort and Consolation to the Extent of his means'. She appealed to Bathurst to order that some of Sorell's salary be 'appropriated towards the maintenance of his helpless wife and Six Children'. She expressed sorrow that Sorell was at the time living with the wife of Captain Kent with whom he had a family of four or five children.³⁴ Her eldest child, William, added a plea for aid for his unfortunate mother. He explained that if her 'necessary wants' were not supplied very soon it would 'be of no use', because in her situation she would 'not subsist much longer' as she had nothing to live on other than what William was able to afford, which was 'very little' from his salary of 12s 0d per week.³⁵

Enquiries made by Bathurst gave him reason to believe that the details stated by Harriet Sorell were, for the most part, true. Her destitute situation, and the time which would elapse before a reply could be received from Sorell in Hobart Town,

³⁴ *HRA* III, ii pp.338-9 Harriet Sorell to Bathurst, 21 June 1818; AB694/TA35/13 pp.6116-7 for proof of marriage.

induced Bathurst to anticipate Sorell's advice, and he directed that £100 be advanced from his salary for her maintenance, an amount that Bathurst thought had Sorell been in England 'would have felt it incumbent' to grant.³⁶

In his reply dated 20 January 1819 to Bathurst, Sorell authorized that £200 of his salary be paid to Harriet, and explained that he did not deny her claim, but the pressure of his affairs prevented it being put upon a basis beyond contingency at an earlier date, as it had been previously. He considered that many of the statements were wholly untrue, and that one most important fact had not been disclosed: that was, that when he arrived back in England from the Cape of Good Hope in 1811, he spared no pains to effect an arrangement for 'Education to That Person's Children';³⁷ and he assured Bathurst that the loss of education rested on Harriet's refusal to agree to the children being placed where education could be obtained. Sorell explained that his proposals for the children's education were accompanied by an offer to ensure an annuity for Harriet, and that 'The Complainant resisted all persuasions founded on the result which her resistance must occasion to her Children'.³⁸

Sorell concluded his despatch by reminding Bathurst that during his appointment he had personally acquired the confidence and the repeatedly expressed approbation of Governor-in-Chief Lachlan Macquarie at Sydney, sentiments which Sorell trusted and believed would have been known to Bathurst. According to historian Lloyd

³⁵ AB694/TA35/13 p.6119 William Sorell to Goulburn, 28 August 1818.

³⁶ *HRA* III, ii p.337 Bathurst to Sorell, 6 August 1818.

³⁷ *HRA* III, ii pp.376-7 Sorell to Bathurst, 20 January 1819.

³⁸ *HRA* III, ii pp.376-7 Sorell to Bathurst, 20 January 1819.

Robson, in September 1821 it was recorded that Harriet Sorell, who was then a fruiterer, was to receive a settlement from the Lieutenant-Governor.³⁹

DEPARTURE FOR NEW APPOINTMENT

Perhaps to William Sorell and Mrs Kent, Van Diemen's Land appeared a place where they would be able to start a fresh life together, apparently as man and wife. They left England at the end of 1816 aboard the *Sir William Bensley* and arrived at Sydney on 10 March 1817, where they stayed with Macquarie, and sailed for Hobart Town on 27 March on the private ship *Cochin*. They sailed as a married couple, and travelling with them was a woman who had the care of the children during the voyage,⁴⁰ one of the Kent daughters, who was aged between eight and ten years, and three of their own children, who were younger than six years of age.⁴¹

An insight into their early life in Van Diemen's Land has been provided by a Major Leviston. Leviston, who had been an officer in the same regiment as Sorell at the Cape, arrived at Hobart Town in 1819, and when Sorell heard the news, invited him to Government House.⁴² It was later recorded by Annie Baxter Dawbin, a resident of

³⁹ HRA III, ii pp.376-7 Sorell to Bathurst, 20 January 1819; L.L. Robson, *A History of Tasmania Volume I: Van Diemen's Land from the Earliest Times to 1855* (Melbourne, 1983), p.133 for 'a fruiterer of 3 Bridge Road, Lambeth'.

⁴⁰ Alexander, *Governors' Ladies*, p.73; *Historical Records of Australia Series III, Despatches and Papers relating to the settlement of the states, Volume v. Tasmania December 1825-March 1827. Northern territory 1823-1827. Western port Victoria 1826-1827.* (Sydney, 192), p.847 Richard Barker's mother-in-law had been 'imposed upon . . . under the fallacious idea of accompanying His Honor's Wife to this Country'; When reporting their arrival, *The Hobart Town Gazette and Southern Reporter*, 12 April 1817 p.2, col. 1-2 referred to Mrs Kent as 'Mrs Sorell'.

⁴¹ The three children of William Sorell and Louisa Kent were: Edmund William, Robert Sheffield and Henry Edward, see Appendix A, Figure 3.

⁴² HRA III, iii p.598 lists Major Leviston a constable, his wife and three children on a 'Return of Magistrates, Constables etc., families and servants rationed from His Majesty's Magazine' Hobart Town, February 1820.

Hobart Town, that Leviston told her that Mrs Kent ‘poor woman, asked about her husband & young family’ in England, and ‘she cried in a pitiful manner’, but despite her tears, she told Leviston that ‘no one could be more fond or kind than Col. Sorell was to her’.⁴³ Only one of the two Kent daughters travelled to Van Diemen’s Land, and it would have been the daughter who remained in England for whom Mrs Kent grieved.

Lachlan Macquarie, who in 1809, had been appointed Captain-General and Governor-in-Chief in and over the colony of New South Wales and its dependent colonies, informed Bathurst in London, that it was with ‘sincere pleasure’ that he hailed the arrival of Sorell, who, ‘with his family’ stayed with Macquarie until they sailed for Hobart Town. During his brief stay at Sydney, Sorell impressed Macquarie as ‘a man of good understanding, energy and firmness’ and Macquarie admitted his hope that Sorell was well qualified to execute the duties of office, and thought with such qualities, honour and integrity, he would be a great acquisition to Van Diemen’s Land.⁴⁴ Despite Macquarie’s approval of Sorell and acceptance of his personal situation, it was to be Sorell’s family circumstances which became the reason for his

later dismissal from office. News of the court case brought by Kent broke in the colony shortly after Sorell’s arrival, and his recall and the issues surrounding it will be discussed in more depth in Chapter 8.

⁴³ L. Frost (ed.), *A face in the glass: the journal and life of Annie Baxter Dawbin* (Port Melbourne, 1992), p.138.

⁴⁴ *HRA* I, ix pp.344, 347 Macquarie to Bathurst, 4 April 1817; *HRA* III, iii p.viii.

CHAPTER 2

***THE CONDITION OF THE COLONY IN 1817,
AND THE RESTORATION OF LAW AND ORDER***

The ship *Cochin*, with William Sorell, his lady and children on board, arrived at Hobart Town on 8 April 1817 and landed at New Wharf, Hunter's Island. Reverend Robert Knopwood recorded that a salute was fired from three ships, and on landing, a second salute was fired from the Battery. Later that day, Sorell was received at Government House by the then recalled Lieutenant-Governor Thomas Davey, and he was introduced to all the civil and military officers in the settlement. Sorell's welcome continued until 21 April, when the commanders and owners of two ships and two brigs provided dinner and lavish entertainment for sixty-four gentlemen of the colony at Waterloo Hill. The day following Sorell's arrival, his commission was read by the Deputy Judge-Advocate, another occasion which was attended by the civil and military officers and the gentlemen of the colony, and he commenced his administration of Van Diemen's Land.¹

Sorell was appointed by a commission dated 3 April 1816 from His Majesty King George 111,² and received his orders and instructions from Governor-in-Chief

¹ *The Hobart Town Gazette and Southern Reporter* p.2, col. 2; M. Nicholls (ed.), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), 9 April 1817, p.253.

² *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania: January-December 1820* (Sydney, 1921), p.183 countersigned by Bathurst on behalf of His Majesty King George 111.

Lachlan Macquarie during his stay at Sydney before his departure for Hobart Town. In his instructions dated 20 March 1817, Sorell was delegated the power to assign convicts on their arrival, and to grant tickets-of-leave, but he was forbidden to locate land for settlers or to undertake any work in which the public funds or the labour of convicts maintained by government were employed without first obtaining the sanction of Macquarie. Sorell's power of assigning convicts could be seen by settlers differently, depending on whether or not they were satisfied with the servants they received. Sorell was authorised to make small disbursements from the public funds, but was compelled to submit the whole of the expenditure to Macquarie, for his inspection and approval, before the accounts could be published in *The Hobart Town Gazette and Southern Reporter*.³

Although he was appointed Lieutenant-Governor of the whole island, Sorell's general authority over the settlements at Port Dalrymple was limited by the circumstances of the commandant at Port Dalrymple acting primarily under instructions received directly from the Governor-in-Chief at Sydney. The position of northern commandant was held by three different officers during Sorell's term of administration: by Major James Stewart of the 46th Regiment, from October 1815 to March 1818, when he was replaced by Colonel Gilbert Cimitiere, of the 48th Regiment. On 14 December 1822, Cimitiere was succeeded by Lieutenant-Colonel Charles Cameron, of the 3rd Regiment, who remained in the position until 6 April

³ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania: July 1812-December 1819* (Sydney, 1921), pp.183-191 Macquarie to Sorell, 20 March 1817.

1825.⁴ Cimitiere was ordered to make reports and returns to Sorell, but also, as the opportunity offered, he also made the same reports to Macquarie, who in reply gave him orders on many matters of detail, despite the fact that Sorell was Lieutenant-Governor in the colony.⁵ The situation of the duplication of reports and instructions appears to have been a legacy from the time the colony was divided into two counties, and therefore two centres of authority, the County of Cornwall in the north and the County of Buckinghamshire in the south.

In 1820 Sorell found it necessary to report Cimitiere to Macquarie. Sorell charged that the commandant was exceeding his authority, improperly locating allotments for building and cultivation, restoring tickets-of-leave, spending money in an unauthorized way, inducing the prisoners to work by offering them gifts, transferring cattle from the government herds, and not bothering to visit Launceston even though three-quarters of the convicts and all the free people in the north lived nearby. Launceston had no gaol, and little control was exercised over the convicts.⁶ Macquarie, busy with the Bigge inquiry⁷ at the time, exonerated Cimitiere from criminal charges, but refused Cimitiere's request for a court martial to clear his name on the grounds of inconvenience and expense. Macquarie told Cimitiere not to make

⁴ D. Pike (General editor), *Australian Dictionary of Biography Volume 1 1788-1850 A-H*. (Carlton, 1966), pp.196-7, pp.223-4.

⁵ *HRA* III, iii p.viii; *HRA* III, ii pp.183-191 Macquarie to Sorell, 20 March 1817.

⁶ L. Robson, *A History of Tasmania Volume 1: Van Diemen's Land from the Earliest Times to 1855* (Melbourne, 1983), p.104; *HRA* III, iii pp.21-4 Sorell to Macquarie, 15 May 1820; pp.91-3 Sorell to Cimitiere, 11 March 1820.

⁷ John Thomas Bigge's, Commission of Inquiry will be examined in Chapter 8.

any more payments to convicts and to cease making any more orders of meat to himself.⁸

In 1820 Commissioner John Thomas Bigge inspected the north of the colony, and was unimpressed with Macquarie's inflexibility in insisting on the development of George Town. He discovered that, in eighteen months, only one free inhabitant had moved from Launceston to George Town where he found the soil was poor. On Bigge's suggestion, Macquarie ordered Sorell to build a gaol at Launceston.⁹ Bigge also investigated charges of corruption against Cimitiere, as a result of which, he recommended that the controlling power of the Lieutenant-Governor in Hobart Town be strengthened. Despite being subordinate to the Governor-in-Chief, as had been Davey, Sorell administered the colony with far less interference from Sydney, regularly wrote despatches to the Secretary-of-State, the Under-Secretary, and other British departments, and received their instructions and acknowledgments.¹⁰

DAVEY'S LEGACY

Macquarie's description of Van Diemen's Land in 1817 was far from encouraging. The settlements were in a 'Most Wretched State of Disorganization, Anarchy and Confusion', the responsibility for which he placed on Sorell's predecessor.¹¹

⁸ *HRA* III, iii p.44 Macquarie to Sorell, 12 December 1820. Robson, *A History of Tasmania*, I, p.104.

⁹ *HRA* III, iii pp.71-2 Macquarie to Sorell 12 December 1820; Robson, *A History of Tasmania*, I p.104.

¹⁰ P. Eldershaw, 'The Governor's Office', *Tasmanian Historical Research Association Papers and Proceedings*, 15.3 (January 1968), p. 89; *HRA* III, iii pp.204, 238 for examples of despatches; D. Pike (General editor), *Australian Dictionary of Biography Volume 2 1788-1850 I-Z* (Carlton, 1966), p.459.

¹¹ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume ix. January 1816-December 1818* (Sydney, 1917), p.347 Macquarie to Bathurst, 4 April 1817.

According to Macquarie, Davey's total disregard of orders and instructions had reduced the colony to a state of 'Ruin, Wretchedness and Corruption', a situation which he felt would take considerable time to correct.¹² The appointment of Sorell as Lieutenant-Governor afforded Macquarie 'sincere satisfaction', as he thought this promised benefits to the settlements and relieved them of Davey, a ruler under whom they were 'never likely to prosper, or to arrive at a state of either Opulence or respectability'.¹³ Macquarie had first visited Van Diemen's Land in 1811 and was not to do so again until 1821, so his remarks on the colony were based on what he believed to be the situation, or on what had been reported to him. In the context of Macquarie's adverse opinion of Davey, his comments are not surprising whatever the state of the colony.

When Sorell's predecessor Thomas Davey arrived in 1813, just ten years after the first settlement, the centre-piece of the town was a gaol with a barrack building as an appendage. During his administration the fishing industry expanded and commercial development began, wholesale and retail houses were established, and merchants started supplying the colony with English goods. A wharf was erected on Hunter's Island and ports opened to general trade. The pine industry was developed, a mill was constructed, and by the time Sorell arrived, the troops were occupying their spacious new barracks. Davey thought that in spite of the colony being deprived of the advantages which Sydney enjoyed, Van Diemen's Land was 'rising superior' to

¹² *HRA* I, ix p.347 Macquarie to Bathurst, 4 April 1817.

¹³ *HRA* I, ix p.338 Macquarie to Bathurst, 3 April 1817.

the senior colony.¹⁴ Until 1812 the principal means of revenue for the colony was a tax on the importation of liquor. Davey thought that the construction of public buildings in Van Diemen's Land would have been at the same rate of construction as that of private buildings if Macquarie had not withdrawn the right of the collection of the income. Davey's administration was marked by an encouragement of farming, and at the close of his term, at a time when the colony had been founded for less than fifteen years, it was self-sufficient in beef, mutton and grain, a large surplus of which was being exported.¹⁵

On inspecting Government House after his arrival, Sorell decided that it was uninhabitable, uncomfortable, and lacked proper security. He considered it necessary to find alternative accommodation until additions and alterations made the official residence habitable, and in the interim, he and his family stayed at the home of Thomas Birch. Birch had arrived at Hobart Town in 1808 as a surgeon aboard the whaler *Dubuc*, but remained as a settler, and became a merchant and ship-owner. In July a house and offices at New Town were purchased for Sorell's use from former convict Andrew Whitehead. However, these burnt down soon after, and as there was no other residence within easy reach of the town that could accommodate Sorell and his family, they returned to Government House.¹⁶

¹⁴ *HRA* III, ii p.149 Davey to Bathurst, 13 April 1816.

¹⁵ J. West, *The History of Tasmania*. A.G.L. Shaw edition (Sydney, 1981), pp.48, 50-3; *HRA* 111, ii pp.148-9 Davey to Bathurst, 13 April 1816. See further L.C. Mickleborough, 'The Case in Favour of Governor Davey', *THRA P&P*, 45.4 (December 1998), pp.222-8.

¹⁶ Pike (General editor), *ADB* Volume 1, p.104 for Birch; *HRA* III, ii p.61 for Whitehead, Macquarie to Davey 18 Aug 1814. Farm buildings and 105 acres of land purchased on 11 July 1817 for £1,000. *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume iv.*

During Davey's term of administration every diligence and activity seemed to be have been employed in the public works. The gaol and the walls of the new St. David's Church were both in the course of completion, and there were sufficient building materials for continuing the works. No building was specifically set apart for divine worship, the previous church having been blown down some years earlier. Worship was often held at Government House, either under the verandah or in the long room, a practice which Sorell continued until the completion of St. David's Church in 1819. Before completion, there were many occasions when, according to Knopwood, due to inclement weather, services were not held, presumably indicating the lack of a suitable venue either indoors or outdoors, though there is at least one report that an old shed, the King's Stores, was occasionally used.¹⁷ During Sorell's second week in the colony, divine service was held in the long room at Government House and was attended by what Knopwood reported as 'a full church'.¹⁸ Presumably the long room was suitable for short-term occupation, in the apparently otherwise uninhabitable residence.

EDUCATION AND TOWN DEVELOPMENT

Sorell found the colony sadly deficient in educators, and there were no school buildings. Thomas Fitzgerald held the position of school master and also clerk to the

1803-June 1804. (Sydney, 1915), p.890 n164 Sorell received a grant of 600 acres elsewhere, the total value estimated at £1,300.

¹⁷ J. Fenton, *A History of Tasmania from its discovery in 1642 to the present time* (Hobart, 1884) Reprinted Hobart, 1978, p.49.

¹⁸ *HRA* III, ii p.196 Sorell to Macquarie, 3 May 1817; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 27 April 1817, p.254.

Bench of Magistrates, but two months after Sorell's arrival, he dismissed Fitzgerald from the latter position because of 'Repeated complaints of his drunkenness and neglect . . . his absence continuing for several days'.¹⁹ Despite his dismissal of Fitzgerald as clerk, Sorell believed he was 'well qualified' as school master, and notified Macquarie that he had given Fitzgerald a 'second Government man to improve his situation'. Sorell also suggested to Macquarie that if he approved an increase in Fitzgerald's salary for 'good conduct', it would be 'well bestowed upon the person in the employment which Mr. Fitzgerald holds'.²⁰

Perhaps a further hint of the plight of education can be gauged from a request that Sorell made in October 1817 for a quantity of spelling books, prayer books and Bibles, as the only ones available in the colony were at inflated prices.²¹ In November 1818 still no government educational institution existed, however there was not a complete void in the area. Mr. Fitzgerald was apparently still employed as a school master, as both he and his wife received government salaries, and in their own home, operated what Sorell described as the 'best and most extensive school', where they educated several children free of charge. Sorell also reported a small school which was organized by a Mrs. Jones; and two others who instructed children were the daughter of the chief constable, and a male resident.²² The situation had

¹⁹ *HRA* III, ii pp.255-6 Sorell to Macquarie, 23 June 1817.

²⁰ *HRA* III, ii p.256 Sorell to Macquarie, 23 June 1817.

²¹ *HRA* III, ii p.280 Sorell to Macquarie, 13 October 1817. *HRA* III, ii p.287, in November 1817 Knopwood was destitute of bibles and prayer books.

²² *HRA* III, ii pp.361-2 Sorell to Macquarie, 18 November 1818 and p.345, 10 August 1818.

improved by the following year, when 164 children were receiving education at public schools.²³

In April 1820 when Knopwood provided Bigge with a summary of schools and scholars, Thomas Fitzgerald had thirty-five scholars, and Mary Fitzgerald twenty-four. Just six months later, the Fitzgeralds had partially educated, or were in the process of educating 200 of the 236 children aged between four and seventeen years who lived in Hobart Town. By October, there were also teachers in outlying areas, including Launceston, Clarence Plains and New Norfolk.²⁴ Thomas Godwin was one who accepted another outlying post when, in March 1823 he accepted a position at Black Brush, with the promise of receiving the expenses of moving his goods, and also with the promise that the school 'should be put in repair'.²⁵ Sorell's aim of making education widely available was realized by the end of his term, when eleven public schools and a Sunday School were operating. Sixty-nine children were being taught at Hobart Town, forty-two at Launceston, and another 102 were known to be receiving education in other major areas of settlement.²⁶ As shown by Godwin's case, the situation was not always satisfactory.

²³ *Statistical Account of Van Diemen's Land, or Tasmania: From the date of its first occupation by the British nation in 1804 to the end of the year 1823*. Compiled from official records in the office of the Colonial Secretary by Hugh M. Hull, and published by order of His Excellency H.E.F. Young, KNT, Gov.-in-chief of Tasmania (Hobart Town, 1856), p.9.

²⁴ Education Returns 10 December 1821, cited M. Tipping, *Convicts Unbound: The Story of the Calcutta Convicts and their Settlement in Australia* (Ringwood, 1988), p.152.

²⁵ E. FitzSymonds (ed.), *Mortmain: A collection of choice Petitions, Memorials and Letters of protest and request from the convict colony of Van Diemen's Land* (Hobart, 1977), pp.155-6 Thomas Godwin to Arthur 1825.

²⁶ HRA III, iv p.40 Abstract of Returns, 10 December 1821; Robson, *A History of Tasmania, I*, p.130.

It was generally agreed by early correspondents that Hobart Town was little better than a collection of huts. The streets were mainly unformed and very few houses were more than one storey high, most were built of part weather-board with lathe and plaster lining.²⁷ However, according to the historian R.W. Giblin, there were a few houses of 'good construction' and an air of intention that indicated a city in 'embryo form', where the physical features indicated a promise of future 'utility, grace and beauty'.²⁸ By 1821, the housing situation had improved, and there were some substantial homes, several of which were two storeys high. However rent was very expensive, a four to six room cottage ranged from £60 to £80 per annum, and a two storey house from £120 to £150 per annum.²⁹

On 16 May 1824, Thomas Horton James, a correspondent and later author,³⁰ just seven days after his arrival described Hobart Town as 'a much more respectable place than we had anticipated. It already contains, including the suburbs, about 6,000 people'. He estimated that there were also another 6,000 'scattered up and down the country, on their different locations as farmers', and he found 'very few appearances resembling foreign countries - there are no natives with their black faces to remind you of your distance from Europe'.³¹ James noted how 'Everybody is, however, complaining of the badness of the times', and also on 'a very important

²⁷ Fenton, *A History of Tasmania*, pp.49-50; H. Melville, *The History of Van Diemen's Land from the year 1824 to 1835 inclusive during the administration of Lieutenant-Governor George Arthur* (Sydney, 1965), pp.15-6.

²⁸ R.W. Giblin, *The Early History of Tasmania Volume 11*, (Melbourne, 1939), p.150.

²⁹ E. Curr, *An Account of the Colony of Van Diemen's Land: Principally designed for the use of emigrants* (Hobart, 1967), pp.9-11; G.W. Evans *A Geographical Historical and Topographical Description of Van Diemen's Land with important hints to Emigrants* (Melbourne, 1967), p.61.

³⁰ Pike (General editor), *ADB Volume 2*, p.480.

change in the circulating medium of the colony, by the establishment of a bank about six months ago'. He found a brighter side when he mentioned six breweries in town and two distilleries. He found the beer 'wretched', but however found the whisky to be 'excellent'. His overall opinion was that nothing but the colony's 'extreme distance' could prevent it from 'rising to importance in the course of one hundred years'.³² This promising report was a tribute to Sorell's civic efforts, which had been considerable.

However in February 1819, Sorell was apparently having trouble maintaining a clean township, as he issued a Government Order which prevented the disposal of rubbish in the streets or on the banks of the rivulet.³³ A similar problem was evident in 1822 when Knopwood's friend George Stokell, and his wife, arrived at the Derwent where they found an 'unpleasant foreshore' near the *Hope and Anchor* public house, where the receding water deposited the carcasses of drowned cats and dogs. Mrs Stokell thought the settlement was 'a dreadful place', with slushy roads where carts would sometimes stick, axle deep in a muddy hole. She also disliked the 'smoky whale oil lamps at street corners, the convicts, yelling drunkards, degraded blacks and the squalid looking gins with picannies clinging to them like young animals who came begging to the door'.³⁴ Sorell was also experiencing problems in the burial ground because of a lack of fencing and its convenience as a short-cut. In July 1818 he

³¹ *Morning Chronicle* (London), 27 December 1824 p.2, col. 1-2.

³² *Morning Chronicle*, 27 December 1824 p.2, col. 1-2.

³³ G/O Streets and Traffic 13 February 1819, J.A. Ferguson, *Bibliography of Australia 1784-1830 Volume 1* (Sydney, 1941), p.321.

³⁴ Mabel Hookey, 'History of Stokell Family' (unpublished, 1932), p.10, cited G. Stephens, *Knopwood: A Biography* (Hobart, 1990), p.125.

found it necessary to issue a Government Public Notice advising that the burial ground was being prepared for enclosing, no longer was it to be considered a thoroughfare, and all people were 'prohibited from passing or driving Cattle across it'.³⁵

Maybe the lack of pride by some settlers in their surroundings was linked to a general feeling of despair, because according to notable settler, and later chief agent for the Van Diemen's Land Company, Edward Curr, the morality of the colony was generally speaking at the lowest ebb; and in all aspects it was an expensive place in which to live. Despite his comments, Curr admitted that instances of improvement were not completely lacking, particularly amongst those who had received the benefit of education.³⁶

DEPARTMENTAL DIFFICULTIES

Many of the problems which confronted Davey were inherited by Sorell.

Macquarie's orders of 1810, which withdrew the power from commandants and Lieutenant-Governors to draw bills for necessary government supplies direct on the English treasury, and which he later reiterated to Sorell, resulted in both inconvenience and expense to the colony. Settlers were compelled to pay considerably more for their imported articles because of the expenses incurred through the necessity of travelling to Sydney for the sole purpose of having the bills, which had been drawn by the commissary at Hobart Town, redrawn on the English

³⁵ *HTG* 18 July 1818, p.1, col. 2.

treasury, by the commissary at headquarters.³⁷ Administration in Van Diemen's Land was also a major problem, because Davey had generally suffered from untrustworthy, corrupt, incompetent and sometimes absent subordinates. Likewise, problems were caused by distance, climate, soil, topography, lack of shelter and shortages of skilled labour and equipment, and there was a general lack of amenities which were found in a more mature colony.

Sorell inherited difficulties with the Survey Department, where problems included irregularities in the surveys, defective personnel and under-staffing. The operation of the department in Van Diemen's Land had fallen into arrears for various reasons: one was the recall of surveyors by Macquarie for exploration in New South Wales, and a second was the retention of grant forms at Sydney, sometimes for several years, after settlers had been issued with location orders. The condition of the Survey Department and the problems Sorell encountered, will be covered in more depth in Chapter 6.

According to Macquarie's instructions, Sorell was directed to pay the accounts of the police establishments and the salaries of certain officers from the Police Fund, but on arrival at Hobart Town, he found no money in the fund to meet the expenses. The salaries of superintendents, overseers and the civil officers normally paid from the fund, were up to nine months in arrears, as well as other government debts, and there

³⁶ Curr, *An Account of the Colony* p.10; Pike (General editor), *ADB* Volume 1, pp.269-72.

³⁷ *HRA* III, ii pp.186, Macquarie to Sorell, 20 March 1817, p.147 Davey to Bathurst, 13 April 1816; Robson, *A History of Tasmania I*, p.91.

was little money being received to meet expenses. Macquarie had warned Sorell in advance of settlers who owed money to the Police Fund, and his list of 'bad characters at the Derwent' was headed by Edward Lord who was personally indebted to the Police Fund to the extent of £768 for unpaid duty on rum which he had imported years earlier.³⁸ Despite Macquarie's dislike for, and warnings to Sorell about Lord, in time a genuine friendship developed between the two men. In quoting the 1820 manager of Lord's estate, that Lord was the richest man in all the island, and who by 1823 had assets worth £200,000 and another £70,000 owing to him in debts, one author suggests that the importing of goods from England in his own ships was probably one of the main sources of Lord's great wealth.³⁹

In evidence to Commissioner Bigge, John Beamont, the Naval Officer, said it was one of his duties to admit vessels to the port, collect the bonds required by the regulations, give permits to land cargoes and return with clearances after the duties had been paid.⁴⁰ However, he indicated that on at least one occasion permission had been given by Davey, to Edward Lord, to land spirits upon him giving a promissory note for about £1,400 or £1,500 for the payment of duties on 7,000 gallons of rum, with the balance of the money against an account he had with the Police Fund. Beamont said that as far as he could recollect, even though Sorell had tried, the

³⁸ *HRA* III, ii p.190 Macquarie to Sorell, 20 March 1817, p.196 Macquarie to Sorell, 20 May 1817; R. and T. Rienits, 'The Broughton Case', *Tasmanian Historical Research Association, Papers and Proceedings* 15.2, (November 1967), pp.36-9.

³⁹ E.R. Henry, 'Edward Lord: the John Macarthur of Van Diemen's Land', *THRA P&P* 20.2, (June 1973), pp.99, 107.

⁴⁰ *HRA* III, iii pp.335-6 Beamont to Bigge, 25 March 1820.

money was never collected from Lord. Beamont also indicated a similar situation occurred with Thomas Allen Lascelles and George Weston Gunning.⁴¹

Early in his administration, Sorell was confronted by an incident at the Derwent River involving Lieutenant Charles Jeffreys, which Sorell described as being ‘entirely subversive of all law, order and authority’.⁴² In April 1817 Macquarie was critical of the incompetence of Jeffreys, who had made several trips transporting convicts to both Sydney and Hobart Town, and as a result, ordered Jeffreys to leave Port Jackson and return direct to England, not touching any port in either of the colonies. However, Jeffreys in his brig the *Kangaroo*, arrived at the Derwent on 30 April because of the ‘loss of a boat and other injury received in a Gale of Wind’,⁴³ and Sorell soon learnt that the arrival of Jeffreys was actually to ‘land contraband, a large quantity of Spirits which were on board for that purpose’.⁴⁴ The following morning Sorell received a report from the Inspector of Public Works and the Police Magistrate, that several Crown prisoners were absent, and were presumed to have been secreted on board the *Kangaroo* with some of the crew, with whom the absentees were known to have been connected, having been brought to the colony in the same vessel.⁴⁵

⁴¹ *HRA* III, iii pp.340-1 Beamont to Bigge, 27 March 1820.

⁴² *HRA* III, ii p.202 Sorell to Under-Secretary Goulburn, 11 May 1817.

⁴³ *HRA* III, ii p.201 Sorell to Under-Secretary Goulburn, 5 May 1817

⁴⁴ *HRA* III, ii p.206 Enclosure No. 1 in *HRA* III, ii pp.203-235 Sorell to Macquarie, 16 May 1817. *HRA* III, ii p.629 Drummond to Goulburn, 27 November 1817, the quantity of spirits was 2,000 gallons.

⁴⁵ *HRA* III, ii p.205 Enclosure No. 1 in *HRA* III, ii pp.203-235 Sorell to Macquarie, 16 May 1817.

On the evening of 6 May when Sorell ordered two boats with the Naval Officer, troops and a merchant ship to patrol the Derwent River, some 'armed men' headed by Jeffreys, 'Sword in hand', and followed by several other men with 'drawn cutlasses' beat and abused the commander, Captain Jones, and dragged him and his crew on board the *Kangaroo*. Jones was put in irons on the quarter deck, where he remained for some hours.⁴⁶ The captured men were released the next day, and a week later, Jeffreys sailed for England. Even though Macquarie described Jeffreys' action as 'in Defence of every Principle of Subordination, Discipline and Honor', it was because of the service Jeffreys had rendered to the colony, that Bathurst recommended to the Lords Commissioners of the Admiralty, that they not press his punishment 'with any degree of Severity'.⁴⁷

In the largest trading organization in the settlement, the Commissariat, where all goods on government account were acquired and distributed, there were problems as early as 1805, when Collins was aware of rumours involving the settler Matthew Power and the Commissary Leonard Fosbrook. In March 1807 Power was brought before the Hobart Town Board of Magistrates in connection with an allegation of fraud involving bills of exchange issued to him by Fosbrook.⁴⁸ The Bench decided a transcript of the hearing should be sent to Governor Bligh, and if necessary, Power

⁴⁶ *HRA* III, ii pp.206-7 Enclosure No. 1 in *HRA* III, ii pp.203-235 Sorell to Macquarie, 16 May 1817.

⁴⁷ *HRA* I, ix pp.428-9 Macquarie to Bathurst, 5 June 1817, *HRA* I, ix pp.821-2 Bathurst to Macquarie, 24 July 1818.

⁴⁸ J. Currey, *David Collins: A Colonial Life* (Carlton, 2000), pp.245-6.

should attend a further investigation at Sydney.⁴⁹ However, as the result of intercession by Collins, the matter did not go any further.⁵⁰

Commissariat problems still existed when Sorell arrived. The book-keeping system was complex, and because of a lack of currency, many transactions were on the basis of barter, or else involved the issue of chits such as store receipts and promissory notes, which were often flimsy pieces of paper, easily lost, destroyed or forged. Soon after arrival in Hobart Town in September 1816 the Assistant Commissary-General, William Broughton, learned of Lord's £400 loan to a previous Commissary, Patrick Hogan. He also discovered that Hogan's storekeeper, William Maum, had made out vouchers crediting Lord with the delivery of 800 bushels of wheat into the store at 10s 0d per bushel, when no wheat had been delivered. During Hogan's regime, much of the meat and grain accepted into the store had been supplied by Lord, who, between 1815 and 1830, was the largest supplier of meat and grain.⁵¹

When Sorell arrived, the stores needed wheat, which the merchants could supply, and the Police Fund also needed money. Lord and other settlers were encouraged to pay arrears of duties in wheat, and as a result, the Police Fund increased to £900,

⁴⁹ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume i. Port Phillip Victoria 1803-1804. Tasmania 1803-June 1812* (Sydney, 1921), p.389
Proceedings of the Bench of Magistrates, 31 March 1807.

⁵⁰ Currey, *David Collins: A Colonial Life*, p.246.

⁵¹ It was not the first time Lord had helped a commissary; he had paid cash to Leonard Fosbrook for 14 acres of land at a price of at least 10 times its market value. It has been suggested the transaction was to ensure nothing was said in court to incriminate Lord, see Rienits, 'The Broughton Case', *THRA P&P* 15.2 (November, 1967), p.34.

enough to clear immediate commitments.⁵² Problems in the Commissariat continued. Charges which Macquarie described as ‘Malicious and Groundless’, were brought against Broughton, by Lord.⁵³ Macquarie instructed Sorell to order a court of enquiry to examine Lord’s charges and to report whether sufficient grounds existed to bring them before a court martial. As a result of the enquiry, the charges were to be investigated by a general court martial in Sydney, and because of this action, Broughton was replaced by Acting Deputy Assistant Commissary-General Thomas Archer, who had arrived at Sydney in 1812, where he was formerly a clerk in the Commissariat. Lord and most of the witnesses refused to travel to Sydney to give evidence, and on advice from the Judge-Advocate, that their attendance could not be legally enforced, Macquarie necessarily abandoned the proposed court martial.⁵⁴ Macquarie expressed his wish to Earl Bathurst to see Broughton as head of the Commissariat, and in supporting his proposal, praised Broughton’s system of public expenditure in which he saved the government several thousand pounds during the short time he was head of the department.⁵⁵

The Medical Service was another department where the problem of inducing competent men to serve was as great as that caused by having unsuitable appointments made through the influence of patrons. In May 1815 Macquarie

⁵² *HRA* III, ii p.196 Sorell to Macquarie, 3 May 1817; *HRA* III, ii p.614 Broughton to Macquarie, 17 May 1817.

⁵³ *HRA* I, ix p.763 Macquarie to Bathurst, 14 May 1818.

⁵⁴ *HRA* I, ix p.764 Macquarie to Bathurst, 14 May 1818.

⁵⁵ *HRA* I, ix p.765 Macquarie to Bathurst, 14 May 1818; *HRA* III, ii p.243 Macquarie to Sorell, 24 May 1817. Broughton was eventually succeeded by Affleck Moodie whom Sorell described as having given him ‘every possible reason to be satisfied with his services’, see P. Chapman (editor), *The Diaries and Letters of G.T.W.B. Boyes. Volume 1. 1820-1832* (Melbourne, 1985), p.246 n.6.

appointed Henry St. John Younge as assistant-surgeon in Van Diemen's Land.

Younge later admitted that his appointment was through the respectability of his connections. Sorell was not impressed with Younge as he found his general habits highly degrading.⁵⁶ Similarly, in 1813 Macquarie adversely reported on Dr. Edward Luttrell, the Assistant-Surgeon at Port Dalrymple, describing him as 'sordid and unfeeling', but despite unfavourable reports, Macquarie appointed him to Hobart Town in 1816. Luttrell, who had been appointed Assistant-Surgeon in New South Wales in 1805 through the patronage of Lord Hobart, was almost useless from the beginning due to ill health, and according to Macquarie, although not deficient in professional skills, he lacked feeling, was criminally inattentive to his patients, extremely irritable, violent in his temper, and infirm from dissipation.⁵⁷ It was not until 1821 that Luttrell's successor arrived, and during Sorell's first four years in the colony he found it necessary to continually instruct Luttrell to attend to his medical duties.⁵⁸

RESTORATION OF ORDER

The escalation of bushranging had challenged the resources of Davey, who was hampered by a lack of legal machinery capable of dealing promptly with the problem. The bandits had become such a danger, that in 1814 Macquarie declared an

⁵⁶ *HRA* III, ii p.116 Macquarie to Davey, 18 July 1815, p.701 Memorial of Henry St. John Younge, 1819; I, ix pp.68-9 Macquarie to Bathurst, 18 March 1816; A.G.L. Shaw, 'Some Officials of Early Van Diemen's Land', *THRA P&P* 14.4 (April, 1967), p.135.

⁵⁷ *HRA* III, ii p.769 n66; I, ix p.68 Macquarie to Bathurst, 18 March 1816. FitzSymonds, *Mortmain* pp.53-4 Mrs Martha Luttrell to Arthur about patronage, 20 August 1824.

⁵⁸ For examples of Sorell instructions to Luttrell see *HRA* III, iii pp.154, 170, 186-7, 189, 208. Macquarie's criticism of Luttrell could be construed as an admission of his own incompetence, as

amnesty in which he promised pardons for all offences other than murder, to those who within six months surrendered and returned to duty.⁵⁹ However Macquarie's amnesty increased Davey's difficulties. It was, in effect, a grant of immunity from punishment for six months for all crimes except murder; and before the six months had expired, most bushrangers surrendered, claimed their immunity and returned to the bush. In a further attempt to remedy the situation, in April 1815 Davey declared martial law. He was condemned by Macquarie but this had not been a unilateral decision; it was a reasoned policy advised by the magistrates under the leadership of Knopwood as chief magistrate.⁶⁰ As a result of the declaration of martial law, some of the leading bushrangers were hanged.⁶¹ They included two of the Whitehead-Howe gang, Hugh Burn and Richard McGuire, both for the murder of two men killed by their gang in a fight. Thomas Mauley was also executed for murder, and William Stevens for burglary and robbery,⁶² and some sort of order was then restored. The execution site was on Hunter's Island, but in June 1816 Davey ordered that it be moved to Queenborough, as the bodies of the felons were close to the place where the wharf was erected and became objects of disgust, especially to the female sex.⁶³

Macquarie was admitting defects in his own medical service appointments, similar to his criticism of the general condition of the colony.

⁵⁹ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume viii. July 1813-December 1815* (Sydney, 1916), pp.264-5 Enclosure No. 3 in Macquarie to Bathurst 28 Dec 1814 pp.261-5. Macquarie named 29 bandits amongst them Peter Mills late acting Deputy Surveyor at Port Dalrymple and George Williams late acting Deputy Commissary Hobart Town, see *HRA* I, viii p.264 for other bandits.

⁶⁰ *HRA* III, ii p.79 meeting of the Bench of Magistrates, 30 August 1814. On 18 September 1815 Macquarie ordered Davey to revoke his proclamation, but the effect had already taken place. Martial law ceased in October 1815, see West, *The History of Tasmania*, p.563 n.78.

⁶¹ *HRA* I, viii pp.264-5 'Proclamation Relating to Bushrangers' dated 14 May 1814, Enclosure No. 3 in Macquarie to Bathurst, 17 May 1814 pp.252-265; *HRA* III, ii p.xvii.

⁶² R. Davis, *The Tasmanian Gallows: A Study of Capital Punishment* (Hobart, 1974), p.7.

⁶³ *HTG* 8 June 1816 p.1, col. 2, not as erroneously stated in Davis, *The Tasmanian Gallows*, p.7 that Sorell moved the site in 1818.

When Sorell arrived, still only one court of justice existed in the colony, that being for civil matters where the amount at issue did not exceed £50. The same situation later applied to Norfolk Island, where also any claims for a higher amount and all criminal offences beyond the understanding of the bench of magistrates needed to be heard at Sydney, the former before the Supreme Court, and the latter, the Court of Criminal Judicature.⁶⁴ The necessity to travel, which resulted in expense, a detention of some months at Sydney, and any resulting damage during an owner's absence, meant a reluctance by settlers to pursue matters. Davey thought the need for law courts, and Macquarie's practice of selecting the 'worst and most profligate characters' from the Sydney gangs to be sent to Van Diemen's Land, were two of the reasons for the numerous crimes and depredations in the colony.⁶⁵

REPORT TO MACQUARIE

Sorell's first despatch, which he addressed to Macquarie, detailed his arrival at Hobart Town and the condition in which he found the colony. His greatest concern was with the bushrangers, a situation he considered needed immediate attention. Sorell learnt that for several weeks before his arrival, Davey had allowed Captain William Nairn of the 46th Regiment to use his discretion in military efforts to capture or destroy the bushrangers. Towards that aim, Nairn had sent out two military parties in civilian clothes from Hobart Town, and one party from Port

⁶⁴ W.C. Wentworth, *Statistical, Historical and Political Description of The Colony of New South Wales, and its dependent Settlements in Van Diemen's Land* (Adelaide, 1978), p.132; HRA III, iii p.283, Humphrey to Bigge, 13 March 1820.

Dalrymple. At York Plains in May 1817, a party under the direction of Ensign Mahon of the same regiment, killed two outlaws,⁶⁶ another was wounded, and an Aboriginal girl was taken. Sorell told Macquarie that he was hopeful of success. The total number of bushrangers had reduced to nine, and he had decided not to issue a proclamation, because of the difficulty in finding the five murder suspects and he was fearful of acts of desperation by the other four.⁶⁷

An indication of the state of law and order can perhaps be gauged by the shortage of magistrates and police, especially in the country districts, a situation which Sorell thought would make it difficult efficiently to maintain the law, and he requested that Macquarie send men to fill the positions. He also requested an additional thirty men to join the 46th Regiment, upon whom he thought the success of the re-establishment of law and order in the interior mainly depended. In reply to Sorell's request for additional magistrates and police, Macquarie admitted he was aware that additional magistrates needed to be appointed in the interior and country districts, but recommended Sorell postpone any appointments for five or six months, during which time he would become acquainted with the fittest and most suitable people for such positions. According to Sorell there were no arms in store at headquarters. He understood that when Davey proclaimed martial law the crown servants were armed and sent against the bushrangers. Of the sixty or seventy stand of arms issued, very few were returned, and as a result he asked for forty or fifty muskets for use in

⁶⁵ *HRA* III, ii pp.146-9 Davey to Bathurst, 13 April 1816.

emergency situations. Macquarie replied that he had no arms in store at Sydney of any use, and on receipt of a supply from England he would forward some to Van Diemen's Land.⁶⁸

ARMED OUTLAWS

The bushrangers, many of whom were escaped convicts, posed problems for Sorell from his early days. In June 1817, he requested military reinforcements to help him in his campaign, and three times in July he felt it necessary to repeat his request.⁶⁹

Sorell considered the arrest of the bushranger Michael Howe top priority, and to his surprise, Howe sent him a letter which was delivered by a constable.⁷⁰ Sorell considered Howe's letter, and offered a conditional pardon, except for murder, if he informed on his confederates and confessed. No confession was forthcoming.

About this period Howe and his native girl companion named Black Mary, also known as Mary Cockerill, were pursued by a small party of the 46th Regiment in the area of Jericho. Howe fired at the pregnant Mary who was unable to keep up the pace. As a result, she fell into the hands of their pursuers, and later became valuable as a guide to the military parties in tracing footsteps of outlaws. Howe subsequently stated that he had not meant to kill Mary, and the historian John West alleges that it had been said that the shot was fired accidentally, the bushranger intending to shoot

⁶⁶ Chapman and Elliott were killed and Parker was wounded see T.E. Wells, *Michael Howe. The Last and Worst of the Bushrangers of Van Diemen's Land*. (December, 1818), Introduction by George Mackaness (reprinted Dubbo, 1979), p.27.

⁶⁷ *HRA* III, ii pp.194-5 Sorell to Macquarie, 3 May 1817.

⁶⁸ *HRA* III, ii pp.197-8 Sorell to Macquarie, 3 May 1817 and pp.241-2 Sorell to Macquarie, 24 May 1817.

⁶⁹ *HRA* III, ii p.267 about requests dated 23 June, 1, 14, 15 July 1817.

the soldiers. Howe, then alone, was offered the assurance of personal safety, and a favourable representation to Macquarie with a request that he be offered a pardon, if he surrendered. Howe surrendered to Sorell, and on 26 July, by pleading ill-health he was allowed out, and while walking with a constable, whose vigilance he eluded, escaped to the woods.⁷¹

Howe continued to create problems for the administration, and in a further effort to capture him, Sorell also offered freedom and a passage to England to any prisoner successful in capturing him. Howe continued at large until October, when three of his associates, in order to obtain their own pardon, resolved to deliver him into the hands of justice. In the attempt, one was shot dead, but the two survivors, ticket-of-leave holder Thomas Worrall and soldier William Pugh managed to overpower Howe and delivered his head to Sorell. As their rewards, Worrall obtained his absolute pardon, and Pugh £50 and his discharge from the army.⁷² The banditry did not cease with the death of Howe. According to contemporary historian and polemical journalist Henry Melville,⁷³ there was no species of outrage and atrocity in which the marauders did not indulge, convict servants continued to abscond, and the

⁷⁰ HRA III, ii pp.643-4, n85 p.773 Howe's correspondence was not his first to a government administrator, as he was one of 11 bushrangers who signed a letter to Davey in 1816.

⁷¹ West, *The History of Tasmania* p.645; Wells, *Michael Howe*, pp.27-31, also see introduction p.13 by Mackaness; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, p.292, HRA III, ii pp.194-5 Sorell to Macquarie, 3 May 1817; p.264 Sorell to Macquarie, 14 July 1817, Davis, *The Tasmanian Gallows*, pp.8-9.

⁷² West, *The History of Tasmania* p.645; Wells, *Michael Howe*, pp.27-31; Davis, *The Tasmanian Gallows*, p.9; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, p.292, HRA III, ii pp.194-5 Sorell to Macquarie, 3 May 1817, p.264 Sorell to Macquarie, 14 July 1817.

⁷³ A partisan journalist, Henry Saxelby Melville Wintle (known as Henry Melville) probably arrived at Hobart Town in February 1828, preceded five years earlier by his brother Samuel Henry Wintle. At various times Melville was owner and proprietor of the colonial newspapers: *Colonial Times*

opportunities for escape, though not ideal, were attractive. Damage was caused by escaped convicts, and settlers were plundered,⁷⁴ but according to the historian Giblin, bushranging in the 'accepted sense of the term' disappeared for a time. He thought that the improvement was helped by Sorell's tightening-up of the administration of the convict elements as far as his limited means allowed, coupled with the fact that qualifications for leadership were wanting in those who did take to the bush.⁷⁵

It was Sorell's object to encourage settlers to return to their holdings from which they had been driven by outlaws, and soon after his arrival he called a meeting for the purpose of considering the most effective means of suppression. As a result of subscriptions from the principal inhabitants and public officers who attended, he issued a proclamation and offered rewards to any person who apprehended certain offenders.⁷⁶ In order to introduce some sort of control in the interior he established weekly communication with the north, by having parties meet halfway. The stationing of permanent parties on the lines of communication were designed to check the routes used by bandits, to put a stop to the accompanying endemic cattle raids and other offences, and give confidence to the quiet and honest new settler.

Planned military operations achieved some success, and in September Sorell sent six

(formerly the *HTG*), *Tasmanian*, and *The Trumpeter*, see George Mackaness, Introduction pp.7-11 in Melville, *The History of Van Diemen's Land*.

⁷⁴ Melville, *The History of Van Diemen's Land*, pp.15-6; Davis, *The Tasmanian Gallows*, p.8 questions whether Sorell deserves all the credit. Davis thinks it is unclear because bushranging groups disintegrated through internal quarrels and informing on their own members.

⁷⁵ Giblin, *Early History of Tasmania II*, p.157. See also, H. Maxwell-Stewart, 'The bushrangers and the convict system of Van Diemen's Land 1803-1846' unpublished Ph.D. thesis, University of Edinburgh 1990.

⁷⁶ Wells, *Michael Howe*, p.29-30 Peter Geary 100 guineas, Septon, John Jones & Richard Collier 80 guineas each; Thomas Coine and Brune (Browne) 50 guineas each, George Watts 80 guineas; Evans, *A Geographical, Historical, and Topographical Description of Van Diemen's Land*, p.106.

criminals, convicts and bushrangers to Sydney for banishment to the Coal River, Newcastle (later known as Hunter River). He explained that his action was because it was impossible to keep them out of the woods if they were at liberty in Van Diemen's Land, and he expressed his hope that Macquarie would prevent them returning.⁷⁷

In January 1818 Macquarie commented on Sorell's 'almost total Suppression' of the bushrangers. However, modern historian Richard Davis suggests that it may not be 'entirely true' to say that between the killing of Howe in 1818, and the escape of Matthew Brady from Macquarie Harbour in 1824, bushranging ceased in the colony.⁷⁸ Evidence does not seem to be available to indicate its continuation other than in isolated cases, so Macquarie's claim might be valid. In 1821 four men were executed after being found guilty of 'outrageous robberies' in the woods, and also of firing on the King's troops; on 28 April the men were attended by the Reverend Knopwood and the new Catholic Chaplain, Father Philip Conolly, before they met their fate. Two were animal thieves, while the others had committed robberies with varying degrees of violence. Several months later five men in Launceston and four in George Town met the same fate, all of whom were found guilty of robbery and 'putting fear' into their victims' lives. Though Macquarie was in Van Diemen's Land at the time and able to sign the warrants for the latter executions faster than usual, Sorell struggled hard for such exemplary punishment in the colony. As in the latter case, Knopwood regularly attended condemned prisoners for several days and

⁷⁷ Robson, *A History of Tasmania I*, p.96; *HRA III*, ii p.274 Sorell to Macquarie, 13 September 1817.

prayed with them before their executions with the aim of preparing them for their fateful end before they were 'launched into eternity'. On occasions he would travel to the execution point in a cart following the condemned, with a third cart carrying the empty coffins, and then later attend to the burial.⁷⁹

Edward Curr was of the opinion that, though robberies were still frequent about 1820, numbers had decreased during the previous eighteen months. Those who had anything to lose were harassed by a continual feeling of insecurity, and though the receivers of stolen property were numerous and notorious, personal outrages were rare. He thought that the chances of escape from justice were so numerous, that it was seldom necessary for the robber to add the crime of murder.⁸⁰ James Gordon, settler and magistrate at Pitt Water, agreed with Curr that bushranging had decreased during an eighteen month period up until 1820. When questioned by Commissioner Bigge for his explanation, Gordon replied that it had been due to Sorell, who, either by sending out military detachments, or by well timed promises of mitigation of punishments, had succeeded in subduing the bushrangers. He was another who thought that if a criminal court was established in the colony it would prevent bushranging, as cattle owners and stock keepers would gladly give evidence, whereas under the system in which they had to travel to Sydney to a criminal court, the owners and keepers maintained their silence.⁸¹

⁷⁸ Davis, *The Tasmanian Gallows*, p.12.

⁷⁹ HRA III, ii p.292 Macquarie to Sorell, 10 January 1818; Davis, *The Tasmanian Gallows*, p.12; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, pp.335, 359, 366, 427, 387 for examples of Knopwood attending the condemned.

⁸⁰ Curr, *An Account of the Colony*, p.10.

⁸¹ HRA III, iii p.252-3 Gordon to Bigge, 4 March 1820.

Father and son James and David Lord were settlers who suffered the loss of sheep. On 1 December 1820 they issued a 'broadside' announcing a £50 reward for the return of 120 stolen sheep from the locked stockyard of Joseph Johnson at Tea Tree Brush.⁸² James Dixon, commander of the ship *Skelton* who called into Hobart Town in 1820 said he knew of bushrangers roaming about, harassing and intimidating settlers. The settlers were in constant alarm from the fear of the outlaws, and Dixon thought the settlers needed to 'vegetate for a season or two' before daring to leave their homes to procure any luxuries;⁸³ however, it is unclear how valid such evidence is from a short-term visitor to the colony. It became clear that a number of settlers were implicated in the bushranging business and Howe raised Knopwood's name.⁸⁴ It grieved Sorell that Knopwood's name was raised in such a connection, however, according to Knopwood, he had been authorized by Davey as a 'go-between'.⁸⁵ Following an enquiry before the Deputy Judge-Advocate, James Gordon, and Anthony Fenn Kemp, Knopwood was cleared of all charges.⁸⁶

Richard Davis suggests that there was probably a decline in the number of men living permanently as armed outlaws in the bush, yet executions for robbing dwelling houses or individuals, and putting victims in fear of their lives, were relatively

⁸² The 'broadside' measured 8¼" x 6", see Ferguson, *Bibliography of Australia*, p.309.

⁸³ J. Dixon, *Narrative of a voyage to New South Wales and Van Diemen's Land in the Ship Skelton during the year 1820* (Edinburgh and London, 1822), p.93.

⁸⁴ *HRA* III, ii p.257 Sorell to Macquarie, 23 June 1817; Robson, *A History of Tasmania I*, p.96.

⁸⁵ Robson, *A History of Tasmania I*, p.96.

⁸⁶ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 29 September 1817, p.261.

common.⁸⁷ Thefts of stock were increasingly being punished by capital sentence under Sorell. In Davey's time the number of thieves also seemed to have been increasing. Though several men had been executed for sheep stealing, the settlers' counter-attack began with Sorell. Between 1817 and March 1820 fourteen free settlers and one convict were sent to Sydney to be tried for sheep stealing, while in the same period only nine were indicted in New South Wales for murder and four for other capital charges, thereby illustrating the tough stand taken by Sorell against criminals. In his first year of office, Sorell demanded exemplary punishment for the Crahan family who stole hundreds of sheep a year. They were sent to Sydney for trial, and though they were duly convicted, the court pleaded strongly for clemency and they were transported for life to the Coal River, Newcastle.⁸⁸ According to Davis it appears that William Trimm was the first man hanged in Van Diemen's Land for solely stealing sheep. If so, he stands at the beginning of a long and melancholy list.⁸⁹ After a trial at Sydney in June 1818 Trimm was sent back to the Derwent for execution along with George Gray, a private in the 46th Regiment, who was found guilty of murdering a stock-keeper at York Plains.⁹⁰

Judge Barron Field of New South Wales made a preliminary circuit with civil jurisdiction in early 1819, and complained to the Colonial Office that there had been no effective justice for the fifteen years of the colony's history. Bigge's visit in 1820

⁸⁷ Davis, *The Tasmanian Gallows*, p.8.

⁸⁸ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 4 June 1818, p.283; Davis, *The Tasmanian Gallows*, pp.8-10.

⁸⁹ Davis, *The Tasmanian Gallows*, pp.10-11.

⁹⁰ *HTG* 18 July 1818 p.2, col. 1, both arrived on the *Minerva* on 7 June 1818, and were executed on 11 June 1818.

and Field's evidence probably led to the holding of courts of criminal jurisdiction in both Hobart Town and Launceston in 1821. Sorell continued to insist on the need for a permanent court in the colony and for executions on the island, and complained to the Colonial Secretary of the 'ruinous effects of delay to prosecutors and witnesses' visiting Sydney. Towards this end, in 1823 he retained animal thieves, whom he insisted it was not possible to send to Sydney for trial until a second court of criminal jurisdiction was held by Judge-Advocate Wylde that year.⁹¹ According to modern historian Hamish Maxwell-Stewart, it was these 'insecurities' as well as the limited capacity of the penal stations at Macquarie Harbour and also at Port Macquarie, New South Wales, that are reflected in the 'appalling rate of judicial carnage which persisted throughout Arthur's term of office'.⁹² Between 1807 and 1823 ninety bushrangers operated in the colony, 28.8% of whom were executed, or shot and killed while at large, and 30% re-transported to a penal settlement. By contrast, during the first ten years of Arthur's twelve year term, of the 129 bushrangers, 74% were either executed or shot while at large, and only 14.7% were re-transported.⁹³

Apart from contact between bushrangers and settlers, there were reports of contact between bushrangers and visitors to the colony. In 1823 while Russian naval ships

⁹¹ Davis, *The Tasmanian Gallows*, p.11. The Supreme Court opened on 10 May 1824 at Hobart Town, and as nominee for Registrar, Sorell's son William read the Royal Charter. His appointment was confirmed in December, see Pike (General editor), *ADB* Volume 2, p.462.

⁹² H. Maxwell-Stewart, 'I Could Not Blame the Rangers . .' *Tasmanian Bushranging, Convicts and Convict Management*, *Tasmanian Historical Research Association, Papers and Proceedings*, 42.3 (September 1995), p.117.

⁹³ AOT CON. 23, 31, 32, 33, 35, 37; PRO H.O. 10/43 and La Trobe Library, LTgm.5 148, *Tasmanian Death Registers*; cited in Maxwell-Stewart, 'I Could not Blame the Rangers', *THRA, P&P*, 42.3, (September, 1995), p.117. According to Davis, *The Tasmanian Gallows*, p.13: in Arthur's twelve year period of office there were approximately 260 executions, 103 of which were in the two years 1826 and 1827. In 1830 there were 30 executions.

were visiting Hobart Town on tours of ‘discovery’, four sailors working on shore were ‘encouraged by local runaway convicts and escaped’. After negotiations, three of them gave themselves up, while the fourth, Stanislav Stankevich from the *Kreiser* was not found and nothing more was heard of him.⁹⁴ Modern historian Glynn Barratt dismisses the suggestion that Stankevich made off into the bush with the aid of, or in company with, local escaped convicts as being ‘decidedly unlikely’.⁹⁵ According to Barratt, surviving evidence suggests that Stankevich, of Polish background, was in a party sent to chop wood every day, and when the frigate was ready to sail, hid in the bush. In the event of Stankevich’s discovery after the Russians’ departure, Sorell proposed to despatch him to Sydney to be held, until the arrival there, of the first Russian vessel.⁹⁶

Through his action, punishment, and public spectacles of executions, Sorell played a leading role in the discipline of criminals, especially animal thieves, but despite his examples, absconders from the penal colony for secondarily convicted offenders at Macquarie Harbour supplied the gallows between 1822 and 1826. Of the 117 who escaped from Macquarie Harbour between 1822 and 1826, a period which overlapped the administrations of both Sorell and Arthur, 111 perished as a result of hanging, shooting or cannibalism.⁹⁷ In 1824, with the arrival of the new Lieutenant-

⁹⁴ E. Govor, *Australia in the Russian Mirror: Changing Perceptions 1770-1919* (Carlton, 1970), pp.7-8.

⁹⁵ G. Barratt, *The Russian Navy and Australia to 1825* (Melbourne, 1979), p.86.

⁹⁶ Barratt, *The Russian Navy and Australia to 1825*, p.86.

⁹⁷ Davis, *The Tasmanian Gallows*, p.12. Alexander Pearce the cannibal and bushranger was one of a party of eight who escaped in 1822.

Governor, a new court, and imminent colonial independence, the use of hanging as a possible deterrence played a large part in Arthur's system.

CHAPTER 3

CONVICT TRANSPORTATION

In 1817 British views on the nature of the Australian penal colony were changing radically. When corresponding with Lord Sidmouth, Secretary-of-State at the Home Office, the third Earl Bathurst signalled that New South Wales might no longer be effective as a penal colony. He indicated problems created by the increasing number of convicts being transported from Britain to New South Wales, but it was his conviction that ‘until a recent period the transportation of offenders to New South Wales appeared to answer the ends for the Attainment of which it was adopted’.¹

Initially, the ‘many instances’ of people returning from transportation and later becoming useful members of society in Britain, and the ‘far more numerous cases’ in which convicts, after the expiration of their sentences, became industrious settlers in the colony, were, Bathurst thought, ‘sufficient to prove the Efficacy of the System in its Infancy, as far at least as regarded the Improvement and Reform of the Offenders’.² However, thirty years experience of the climate and fertility of the soil had, for some time, rendered permission to settle in New South Wales an object of ‘anxious solicitude’ to those who were ‘desirous of leaving their Native Country’

¹ *Historical Records of Australia. Series 1. Governors’ Despatches to and from England. Volume x. January 1819-December 1822.* (Sydney, 1917), p.807, Bathurst to Sidmouth, 23 April 1817.

² *HRA* 1, x p.807, Bathurst to Sidmouth, 23 April 1817.

and who also had capital to apply to the improvement of land.³ The system in place, together with the convicts whose sentences had expired, increased the population of free settlers, a circumstance which in Bathurst's opinion, rendered the colony less fit for the object of its original institution.⁴

Also according to Bathurst, the free settlers, emancipists and native-born felt a 'repugnance to submit to the enforcement of regulations' which were necessary, because the penitentiary nature of the colony interfered significantly with the rights to which, as British subjects, they felt entitled.⁵ His greatest objection to the system, however, was that he felt regulations in the settlement would not hold any immediate control as during latter years the number of convicts who had been transported annually had increased beyond all calculation. He was apprehensive that Sidmouth could have any expectations that the crimes to be punished by transportation would 'diminish in Magnitude or Frequency', or that the numbers to be transported in 1817 or succeeding years would be significantly less.⁶

Bathurst further argued that the continual influx of convicts would increase the difficulty which had begun to be experienced, that of enforcing on the convicts such a strict discipline, both to labour and behaviour, as was necessary to make transportation answer the purpose either of punishment or reform. The difficulty of providing regular state employment in the preceding few years had resulted in the

³ *HRA I*, x p.807, Bathurst to Sidmouth, 23 April 1817.

⁴ *HRA I*, x p.807, Bathurst to Sidmouth, 23 April 1817.

⁵ *HRA I*, x p.807, Bathurst to Sidmouth, 23 April 1817.

practice of granting tickets-of-leave almost without exception to those who had any prospect of obtaining work by their own exertions. However, in such cases there was little more than nominal restraint because of the inadequacy of public buildings, and the necessity of leaving to a large proportion of them the care of providing their own lodging at night. The practice had also evolved of placing convicts as servants in the families of free settlers, in which situation they enjoyed a freedom inconsistent with the object proposed in transporting them.⁷

At Sydney, Governor-in-Chief Lachlan Macquarie had pursued his policy, that a convict, on the expiry or remission of his sentence, provided he was well behaved, should be treated as if he had never transgressed the law and should possess the same rights as a free man. Macquarie believed the greatest inducement that could be held out towards reformation of a convict was a return to ‘that Rank in Society which he had forfeited, and do away, in as far as the Case will admit, All Retrospect of former bad Conduct’.⁸

Increased immigration after about 1818 was due mainly to changing conditions in the United Kingdom, and to a consequent change in the attitude towards free emigration. Faced with the problem of providing for a growing surplus of population, the Government found immigration an obvious solution.⁹ As well as needing to accommodate the free settlers, Macquarie was required to accommodate the

⁶ *HRA I*, x p.807, Bathurst to Sidmouth, 23 April 1817.

⁷ *HRA I*, x pp.807-8, Bathurst to Sidmouth, 23 April 1817.

increasing number of convicts being transported. The long distances from Britain to the colonies meant a reply could rarely be received within a year, and the time lapse allowed Macquarie to further use his authority to build his great vision of fruitfully using the convict labour available to him to expand Sydney and enhance the colony, thus reforming emancipists¹⁰ in the belief that the colony would benefit.¹¹

Macquarie's policy reduced convict per capita costs from £60 per annum in 1810, to less than £15 in 1820, but it was a policy which worried Colonial Officials as they considered it wasteful.¹²

Between 1811 and 1815, the number transported annually to New South Wales rose steadily from about 700 to more than 1,000, but the great movement began after the end of the Napoleonic Wars in 1815. Transportation seemed the best way to deal with the post-war increase in crime, aggravated as it was by contemporary economic changes, despite complaints that the punishment was not sufficiently severe to deter criminals. Fewer criminals were executed in Britain, but more were sent out between 1816 and 1825 when the average number was 2,600 a year: in the following ten years, the annual average was 4,000.¹³

⁸ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume vii. January 1809-June 1804.* (Sydney, 1916), pp.275-7 Macquarie to Castlereagh 30 April 1810.

⁹ R.B. Madgwick, *Immigration into Eastern Australia 1788-1851* (Sydney, 1969), p.48.

¹⁰ The architect Francis Greenway (1777-1837) was one example.

¹¹ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume ix. January 1816-December 1818.* (Sydney, 1917), p.794 Macquarie to Bathurst, 16 May 1818; J. Ritchie, *Lachlan Macquarie: A Biography* (Carlton, 1986), p.132.

¹² J.J. Eddy, 'Empire and Politics' in J. Broadbent & J. Hughes (ed.), *The Age of Macquarie* (Melbourne, 1992), p.47; W.G. McMinn, *A Constitutional History of Australia* (Melbourne, 1979), pp.17-18.

In Van Diemen's Land in April 1816, Lieutenant-Governor Thomas Davey estimated he still required 1,000 men to enable him to carry on the necessary public buildings and to supply settlers, 'particularly those from Norfolk Island', with workers. He 'earnestly' requested that Earl Bathurst order a proportion of the convicts who were sent for the settlements in '*Terra Australis*' to Van Diemen's Land.¹⁴ Davey complained that the custom had been to select the 'worst and most profligate characters from the Gangs at Port Jackson'¹⁵ for the Van Diemen's Land settlements, and he was sure that Bathurst would be surprised to learn that only 175 prisoners had arrived since 1813, although some thousands had been received at Port Jackson.¹⁶

The number of convicts was almost constantly insufficient for the requirements of the settlements in Van Diemen's Land, as Macquarie adopted a public works policy which absorbed large numbers of convict labourers, and most of the mechanics and artificers. According to Davey, the convicts transferred from Sydney were considered by far the worst convicts.¹⁷ Most of the witnesses questioned in 1820 by Commissioner Bigge were quite adamant in their opinions that they were men of the worst description. The head of the Police Department, Adolarus William Henry Humphrey, who had sailed with David Collins in 1803 as a mineralogist, was

¹³ A.G.L. Shaw, *Convicts and the Colonies: A study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London, 1966), p.147.

¹⁴ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819.* (Sydney, 1921), pp.147-8 Davey to Bathurst, 13 April 1816.

¹⁵ *Historical Records of Australia. Series III. Despatches and papers relating to the settlement of the states. Volume iii. Tasmania January-December 1820* (Sydney, 1921), p.147 Davey to Bathurst, 13 April 1816.

¹⁶ *HRA* III, ii p.770 n73, in the years 1810 to 1815 inclusive, 5,444 convicts were transported to NSW.

¹⁷ *HRA* III, ii p.xiv, *HRA* III, ii pp.147-8 Davey to Bathurst, 13 April 1816.

appointed a Magistrate in 1809, a Justice of the Peace in 1810,¹⁸ and confirmed as a Police Magistrate by Macquarie in January 1818, described them as ‘men of the worst Description’.¹⁹ During the four years settler and merchant Anthony Kemp had been in the colony, he found them to be the most ‘abandoned and profligate and generally from the Jail Gang’.²⁰ Both agreed that skilled men were nearly always retained in New South Wales. Faced with such testimony, Bigge concluded that the worst type of prisoners were those transferred to Van Diemen’s Land from Port Jackson.²¹

In 1814 Macquarie admitted that the settlements in Van Diemen’s Land were very much in need of women, and notified his intention of sending sixty convicts, who had arrived at Sydney in the *Catherine*, to the Derwent aboard the brig *Kangaroo*. In January 1816 he dispatched the *Emu* with sixty male and sixteen female convicts. He also admitted that the settlers at the Derwent must be very much in need of labourers. Macquarie requested that Davey assign the settlers as many convicts as he could spare from the public works. As a result, the obstacles which had prevented the completion of necessary government public buildings at Hobart Town should be

¹⁸ D. Pike (General editor), *Australian Dictionary of Biography Volume 1 1788-1850 A-H* (Carlton, 1966), pp.565-6; E. FitzSymonds (editor), *Mortmain: A collection of choice Petitions, Memorials and Letters of protest and request from the convict colony of Van Diemen’s Land; written by Divers persons, both eminent and lowly, and collected and transcribed from the original by Eustace FitzSymonds, with numerous pages of the Manuscripts shewn in facsimile* (Hobart, 1977), pp.43-4, 30 September 1815 Humphrey to Bathurst also seeking a police magistracy.

¹⁹ *HRA* III, iii p.279 Humphrey to Bigge, 13 March 1820.

²⁰ *HRA* III, iii p.224 Kemp to Bigge, 12 November 1819.

²¹ J.T. Bigge, *The Bigge Reports. Volume I. Report of the Commission of Inquiry on the State of the Colony of New South Wales*. Facsimile edition (Adelaide, 1966), p.46.

removed by the artificers and labourers he had previously sent, and the government men aboard the *Emu*.²²

In September 1816 Macquarie condemned Davey's request for two hundred convicts as being 'extravagant', and said that it appeared Davey assumed an immense depot of some thousands of convicts were kept at Sydney for 'supplying the Out Settlements; but this . . . [was] . . . not the case'.²³ Macquarie also told Davey he had received more than a full proportion of male convicts, and he should always expect that a balance of bad men as well as good would continue to be sent.²⁴ Throughout 1816, possibly as a result of Davey's complaints, Macquarie sent 232 men and eighty-one women, nearly double the number sent during the previous three years. Six hundred and seventy-eight women arrived during 1817, the majority of whom had little time in New South Wales; among them were fifty Irish women and 110 Irish men aboard the *Elizabeth Henrietta* and the *Jupiter*.²⁵ Even though Macquarie sent prisoners in apparent response to Davey's constant requests for convicts to enable the necessary public building programme to continue, and to supply free settlers with workers, his action appears to have been reluctant, and he did not visit the colony during Davey's administration to observe the situation himself.

²² *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume viii. July 1813-December 1815.* (Sydney, 1916), p.254; HRA III, ii p.138 Macquarie to Davey, 27 January 1816. Also on convict women see L. Ryan, 'The Governed: Convict Women in Tasmania 1803-53', *Bulletin of the Centre for Tasmanian Historical Studies, University of Tasmania*, Volume 3 Number 1 (1990-1) and K Daniels, *Convict Women*. (St. Leonards, 1998).

²³ HRA III, ii p.164, Macquarie to Davey, 30 September 1816.

²⁴ HRA III, ii p.164, Macquarie to Davey, 30 September 1816.

²⁵ HRA III, ii p.199, Sorell to Macquarie, 3 May 1817, p.274, Sorell to Macquarie, 13 September 1817; J. Williams, *Ordered to the Island: Irish Convicts and Van Diemen's Land* (Darlinghurst, 1994), p.98.

Macquarie's treatment of Davey's continuing demands emphasized the situation that Macquarie was Governor-in-Chief and the colony was an outstation of New South Wales.

SORELL'S POLICY ON TRANSPORTATION

As already noted, at the time of Sorell's appointment and arrival, ideas were changing and developing in Britain about how transportation should be handled. As the first Governor in Van Diemen's Land who was required to deal with convictism 'en masse', it was necessary that Sorell introduce reforms and a plan of management. He immediately formed a 'system of perpetual reference and general control',²⁶ in which, on arrival, the name of each convict was entered in one of a series of registers.²⁷ No registers had been maintained in the previous years, possibly due to the small number of convicts arriving. Some years later Sorell described the object of the system as 'a perfect unity of management throughout the Island, respecting Convicts, so as to hold a perfect check upon their loco-motion'.²⁸

The police magistrates, Humphrey at Hobart Town and Peter Mulgrave at Launceston, established the systems which recorded the arrival, employment and assignment of all prisoners; they held weekly musters of assigned servants and

²⁶ Bigge, *The Bigge Reports Volume 1*, p.19.

²⁷ HRA III, iii pp.xi-xii, pp.542-4 for specimen pages of the registers.

²⁸ HRA III, iii p.274 Humphrey to Bigge, 11 March 1820. This was seemingly echoed by Arthur 10 yrs later in describing his system as 'an active surveillance . . . to see that all orders and regulations . . . respecting the discipline, control and management of convicts are strictly observed', see *Historical Records of Australia. Series III. Volume v. Despatches and Papers relating to the settlement of the states. Volume v. Tasmania December 1825-March 1827. Northern territory 1823-1827. Western port Victoria 1826-1827.* (Sydney, 1922), p.609 Arthur to Bathurst, 16 March 1827.

ticket-of-leave holders, and instituted a strict system of passes. At Sydney the power of distribution was shared between the Chief Engineer and the Superintendent of Convicts, but at Hobart Town the extensive patronage was reserved in the hands of Sorell himself.²⁹ He faced two difficulties. One was the administrative difficulties which arose from the lack of a Supreme Court in the colony, as already noted in the previous chapter, and the other difficulty was that Sorell had no penal settlement for secondary punishment. Early in 1818 when Sorell first proposed establishing one at Macquarie Harbour, even though Macquarie favoured the idea, he referred the matter to England. It was not until 1821 that a final decision was made in favour of establishing the settlement.³⁰

It seems likely that it is in part due to Sorell's reputedly largely 'verbal' style of administration³¹ and lack of copious written instructions, that much credit has been given to Arthur for instituting the system of recording. Sorell's verbal instructions might also have been the result of a widespread shortage of stationery supplies, as portrayed by Thomas Massey, Chief Constable at Launceston, who in 1820 said that he had not been allowed paper for keeping lists of convicts.³² The shortage was still evident three years later when Sorell lamented the effect the shortage was having on

²⁹ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825.* (Sydney, 1921), pp.141-2 Sorell to Arthur 9 June 1824; *HRA* III, iii p.xi.

³⁰ *HRA* III, iii pp.19 Sorell to Goulburn, 12 May 1820, *HRA* III, iv pp.43-4 Sorell to Goulburn, 13 December 1821.

³¹ Knopwood's 'Cottage Green Case' rested on 'an arrangement verbally sanctioned' by Sorell, see *Historical Records of Australia. Series III. Despatches and papers relating to the History of Tasmania. Volume vii. Tasmania. January-December 1828* (Canberra, 1997), p.908 n387; 'Hunter Island Case' rested on a 'verbal undertaking' given by Sorell, see *HRA* III, vii pp.639-40, 848 n530.

³² *HRA* III, iii p.449 Massey to Bigge, 29 April 1820.

his office and the various departments. In support of his request to Under-Secretary for State, Wilmot Horton, for stationery, Sorell noted how 'No supply of Stationery' had been granted to the colony except for one instance which was to a 'very trifling extent' some years previously from Port Jackson.³³ Except for that one supply, all he had was what had been purchased locally, and 'generally at high prices and of inferior quality'.³⁴

Another Sorell initiative resulted in direct shipments of convicts to Van Diemen's Land commencing in June 1818. After only five weeks in the colony the new Lieutenant-Governor requested that Macquarie send a shipment of convicts. He felt that forty or fifty would be an infinite advantage for the public works and also help in meeting the deficiency caused by the many reasonable applications from settlers, independent of those who became entitled to servants when they acquired their land grants. Sorell hoped that with the arrival of male convicts at Sydney, Macquarie might allow a number for Van Diemen's Land until such time that ships would be sent direct from England to Van Diemen's Land.³⁵

By June 1817, Macquarie was convinced that the expense of sending all convicts to New South Wales and then transferring a number to Van Diemen's Land could be avoided if some were sent directly to the Derwent, and he recommended the suitability of ordering one ship with approximately two hundred male convicts, and

³³ AB694/TA35/13, pp.6129-31 Sorell to Horton, 30 May 1823.

³⁴ AB694/TA35/13, pp.6129-31 Sorell to Horton, 30 May 1823.

³⁵ *HRA* III, ii p.234, Sorell to Macquarie, 16 May 1817.

one with about one hundred female convicts every second year direct from England to Hobart Town, commencing in 1818. He advised Sorell that the colonial brig *Governor Macquarie* was expected to sail on 25 June 1817 with four male convicts as labourers and eight female convicts. In the same vessel Sorell would also receive a reinforcement of forty soldiers. In October 1817 Sorell acknowledged the recent arrival of the ship *Pilot* with 279 male convicts, eighty of whom he sent to Port Dalrymple.³⁶

In December 1817 Sorell expressed a need to prepare for lodging and employing women convicts,³⁷ a number of whom were creating continual disorder, and he proposed erecting a building for them at Pitt Water, which was the only district in which a magistrate (James Gordon) resided. He also had no sufficient means for lodging a large body of male prisoners, and stated his intention of constructing a building to serve the purpose. Macquarie approved of Sorell's plan for barracks for male convicts, which he conceived as being highly necessary, but as Macquarie had no intention of sending any more female convicts than were essential for the use of settlers, he did not think that it was necessary to have any public buildings erected for them at either Hobart Town or Pitt Water. Sorell was notified that he would receive twenty-eight male and sixty female convicts, four free women the wives of convicts, one free settler and his family, a number of children and nine soldiers of the 46th Regiment all per the *Duke of Wellington*. Macquarie thought the male convicts

³⁶ *HRA* I, ix p.429; *HRA* III, ii pp.259-60 Macquarie to Sorell, 26 June 1817; *HRA* III, iii p.270 Macquarie to Sorell, 24 July 1817, *HRA* III, ii p.279 Sorell to Macquarie, 13 October 1817.

would prove be a desirable addition to the public works. The sixty female convicts were to be distributed amongst the settlers, and Macquarie told Sorell that in future he would wait for a requisition before sending any more female convicts.³⁸

The need for labour was still very great the following month, and was becoming more urgent with the prospect of an increase of free settlers. Sorell reiterated his previous request because of the excessive delay in the voyage of the *Kangaroo*, by which vessel he understood Macquarie had forwarded a recommendation that ships with prisoners should be sent direct to Hobart Town. He also requested two or three pairs of sawyers as that was one area in which the branch was deficient.³⁹

Sorell was still experiencing problems with female prisoners. This was an outcome of Macquarie's decision that the erection of a factory for female prisoners should not be undertaken at the time, and women who appeared to warrant regular restraint could be sent to Sydney in order to be placed in the factory there. Sorell found it impossible to transport a large number of the women who arrived by the *Wellington* overland to Port Dalrymple with their clothes and bedding. The women were not capable of walking, and the unusually dry season had led to the under nourishment and weakening of the government bullocks, which, added to the limited supply of carts, would have meant a material reduction in the public works had he sent them by

³⁷ See K. Daniels, *Convict Women* (St Leonards, 1998), for a detailed study of convict women, in particular, the inquiry into female convict discipline in Van Diemen's Land between 1841 and 1843 which was established by Lieutenant-Governor Sir John Franklin.

³⁸ *HRA* III, ii p.290 Sorell to Macquarie, 8 December 1817; *HRA* III, ii p.292 Macquarie to Sorell, 10 January 1818; *HRA* III, ii pp.299-300 Macquarie to Sorell, 6 February 1818.

³⁹ *HRA* III, ii p.309 Sorell to Macquarie, 26 March 1818.

government bullocks and carts. However, he managed to send ten by a private cart which was going to Port Dalrymple, and the expenses involved prevented him from sending more; he told Macquarie he would endeavour to send more as the opportunity offered. As the necessity of crossing the island was 'always a troublesome and difficult Task',⁴⁰ Sorell suggested that twenty or thirty women should be sent direct to Port Dalrymple. He also requested forty or fifty more be sent to Hobart Town as it was difficult to keep assigned female servants in their places due to the offers they generally received of marriage or better employment.⁴¹

On 7 April 1818, Macquarie notified Sorell that within a few weeks he would be able to send as many male convicts for the two settlements as Sorell could possibly require, as at least four ships with male convicts were expected to arrive at Sydney within a month. Despite this, Macquarie warned Sorell not to employ as many as he intended

*for the use of the Crown, and consequently on the Store, as His Majesty's Ministers find great fault with so many Convicts employed on the Govt. Works here and at Van Diemen's Land, and have desired the numbers so employed now to be very considerably reduced*⁴²

It is apparent that Macquarie's warning was a result of being censured severely by Colonial Office officials in London as he had a passion for erecting public buildings,

⁴⁰ *HRA* III, ii p.310 Sorell to Macquarie, 26 March 1818.

⁴¹ *HRA* III, ii pp.309-12 Sorell to Macquarie, 26 March 1818.

⁴² *HRA* III, ii p.314 Macquarie to Sorell, 7 April 1818.

and to accomplish the works large numbers of convicts who might otherwise have been assigned to settlers, were maintained in government gangs.⁴³

In May 1818, during a five week period, 1,046 male convicts landed at Sydney Cove. Because the settlers were unable to immediately employ so many men and a significant number were required in Van Diemen's Land, Macquarie sent a proportion to Hobart Town. On 30 April the *Minerva I* from Ireland and the *Lady Castlereagh* from England arrived at Sydney, and Macquarie hired both ships to proceed to Hobart Town.⁴⁴ The convicts totalled approximately 450, and among them were some sawyers and mechanics. Both ships arrived at Hobart Town in June, and were, in effect, the first convict ships direct from Britain to Van Diemen's Land since the *Indefatigable*, a square-rigged three-master, which had anchored in October 1812.⁴⁵

In August, Sorell was still requesting more female convicts, and was hoping to receive another twenty or thirty women when the next female convict ship arrived at Sydney. He received a prompt and satisfactory response, as on 24 September Macquarie advised that he was sending sixty female convicts to be employed as servants to married people of good character. Also on board the *Elizabeth Henrietta* were a few male convicts sent to remove them from the bad connections they had

⁴³ HRA III, ii p.314 Macquarie to Sorell, 7 April 1818, p.780 n120; Ritchie, *Lachlan Macquarie*, p.132.

⁴⁴ HRA III, ix pp.792-4 Macquarie to Bathurst, 16 May 1818; C. Bateson, *The Convict Ships 1787-1868* (Sydney, 1988), pp.10-20, 202.

⁴⁵ Bateson, *The Convict Ships*, pp.202, 356; HRA III, ii pp.332-3 Sorell to Macquarie, 29 June 1818.

formed at Sydney.⁴⁶ In December 1819 when acknowledging the 150 male convicts aboard the *Admiral Cockburn*, Sorell requested that New South Wales Colonial-Secretary, John Campbell, forward indents of the men at his earliest opportunity. His request, he explained, was necessary as some of the convicts stated they only had a short time left to serve.⁴⁷

Conditions and labour needs in New South Wales changed to such an extent following disastrous floods in 1817, 1819 and 1820, that Macquarie was grateful for the opportunity to free the colony of surplus convicts. In 1817, the situation was so disastrous the settlers in New South Wales had no choice but to return their convict servants to the government, thus adding between 500 and 600 men to those already on the stores, and they joined an increasingly large group of newly transported convicts.⁴⁸ The number of convicts landed at Sydney from England between 1817 and 1824 are shown in Table 3.1; however due to early record keeping difficulties, they can only be accepted as approximate figures.

⁴⁶ *HRA* III, ii p.345 Sorell to Macquarie, 10 August 1818, p.355 Macquarie to Sorell, 24 September 1818.

⁴⁷ *HRA* III, ii p.429 Sorell to Campbell, 17 December 1819. More details on the lack of information are given in Appendix B.

⁴⁸ Williams, *Ordered to the Island*, p.98; B. Dyster, 'Public Employment and Assignment to Private Masters 1788-1821', in S. Nicholas (ed.) *Convict Workers Reinterpreting Australia's past* (Melbourne, 1988), p.133.

Table 3:1Convicts landed at Sydney from England between 1817 and 1824.⁴⁹

	<i>Males</i>	<i>Females</i>	<i>Total</i>
1817	1641	188	1829
1818	2425	292	2717
1819	2196	0	2196
1820	2278	296	2574
1821	1528	130	1658
1822	1524	62	1586
1823	1515	100	1714
1824	1006	147	1153
Total	14113	1314	15427

During Sorell's administration, the size and character of the population of Van Diemen's Land began to change. This was due to input from three sources. One was the arrival of free settlers in increasing numbers from around 1818, though intending colonists had arrived from New South Wales in 1812 and were on the *Admante* from England in 1816; another was the change of policy in Britain that led to convicts being transported directly to Hobart Town. The number of convicts landed at Hobart Town from England between 1817 and 1824 is shown in Table 3.2, while those landed between 1810 and 1826 at both Sydney and Hobart Town, according to figures compiled by historian A.G.L. Shaw, which differ from those of Bateson's, are shown in Appendix C. When Sorell arrived there were only 355 convicts at the Derwent, 241 of whom were in government service, 108 in the service of settlers, and the remaining six were assigned to officers, superintendents or overseers.⁵⁰ Others were transferred from Sydney, and the number who disembarked from England ranged from an annual low of none at all in 1817, to a high of 1,398 in

⁴⁹ Figures from Bateson, *The Convict Ships*, pp.381-5.

1820. The third source was families of convicts.⁵¹ Initially few families arrived, and in 1820 Reverend Knopwood reported that he had only received fourteen or fifteen applications from wives of convicts, who were permitted to join their husbands and receive a passage in a convict ship at government expense.⁵²

Table 3:2

Convicts landed at Hobart Town from England between 1817 and 1824, which during 1820, 1821 and 1823 averaged twenty or more weekly.⁵³

	<i>Males</i>	<i>Females</i>	<i>Total</i>
1817	0	0	0
1818	565	30	595
1819	312	0	312
1820	1348	50	1398
1821	1023	53	1076
1822	770	45	815
1823	923	117	1040
1824	672	50	722
Total	5613	345	5958

The central qualifications for granting such applications was that a convict must have the means to support his family. This was only possible if he had a ticket-of-leave or would have been eligible for one by the time his family arrived, or if his master was willing to accommodate the convict's wife and children. Immigration by families of

⁵⁰ HRA 111, iii p.553 Return of Convicts 1817-19. There were 99 convicts at Pt Dalrymple.

⁵¹ L. Robson, *A History of Tasmania Volume 1: Van Diemen's Land from the Earliest Times to 1855* (Carlton, 1973), p.106, *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume i. Port Phillip Victoria 1803-1804. Tasmania 1803-June 1812.* (Sydney, 1921), p.465; *The Hobart Town Gazette and Southern Reporter* 21 September 1816, p.1, col. 2. See also J. Parrott, 'Agents of industry and civilisation', *Tasmanian Historical Studies University of Tasmania* Volume 4 Number 2 (Hobart, 1994), pp. 25-30. See also J. Parrott, 'Wise as a serpent and gently as a lamb': Elizabeth Fry and the extension of her prison reform work to the Australian colonies'. Unpublished Bachelor of Arts Honours thesis. University of Tasmania, 1990.

⁵² HRA III, iii p.366 Knopwood to Bigge, 3 April 1820.

⁵³ Figures extracted from Bateson, *The Convict Ships*, pp.340-5, 381-4. According to Shaw in *Convicts and the Colonies* p.361, whose figures differ, Bateson was 'not concerned with those convicts who did not come from the United Kingdom', see Appendix C for Shaw's figures.

convicts subsequently became a steady source of population growth as many wives arrived as independent emigrants, their passages paid by their parishes, by subscriptions, or sometimes with money sent to them by their convict husbands. Others worked their way out as servants, a few arrived as sponsored female immigrants, and there is also evidence to suggest that some committed crimes in order to be transported in the hope of finding their husbands.⁵⁴ Consequently, Sorell was required to preside over transition in the colony with the increasing arrivals of convicts and free settlers, and subsequently, the increase in the population of those born in the colony.

The main administrative positions in Sorell's convict system were held by Humphrey head of the Police Department, Chief Magistrate and Coroner; Major Thomas Bell, acting Engineer and Inspector of Public Works and a Magistrate; John Lakeland assistant to Bell, Superintendent of Convicts and Inspector of Public Works; and Thomas Ristol Crowder⁵⁵ Superintendent of Convicts. It is largely from evidence to Commissioner Bigge in 1820 that details of Sorell's system emerges.

In the position of Superintendent of Convicts, Inspector of Public Works and assistant to Bell, Lakeland became familiar with the general management of convicts and with the procedure relating to their disposal and restraint. He was also employed in superintending the issue of stores from the lumber yard to the different works, and

⁵⁴ J. Parrott, 'Agents of industry and civilisation', *THS* 4.2, pp. 26-9, also S. Champion, 'Prostitutes, hardened offenders or gratuitous immigrants? Irishwomen of the *Greenlaw* and the *Midlothian*', *THS* 4.2, pp.20-4.

in managing workmen employed in the lumber yard. Lakeland had arrived in either 1814 or 1815 with a view of establishing himself in the colony, and acted as Provost Marshal under Davey's leadership. In June 1818 at Sorell's recommendation to Macquarie, Lakeland succeeded Walter Peerhouse as Assistant Inspector of Public Works.⁵⁶

Bell arrived at Sydney in command of a detachment of the 48th Regiment. Macquarie had overlooked him when appointing a commandant at Port Dalrymple, but in June 1818 sent him with a detachment in the *Lady Castlereagh* to take charge of the military garrison at Hobart Town, in succession to Major William Nairn.⁵⁷ On 6 June 1818 Bell was appointed a magistrate and also a commissioner in Van Diemen's Land for taking affidavits for the Supreme Court, and in March 1822 was appointed a Justice of the Peace.⁵⁸ Bell received his orders from, and consulted with Sorell for orders respecting the works or distribution of convicts. According to Bell, the usual mode of proceeding after a convict ship arrived was that he would board the ship, muster the convicts, take down their trades and callings and mark those he 'considered fit for government employ', after which, Sorell's secretary, Henry

⁵⁵ Humphrey b. c.1782-d.1829, Bell b.1782-d.1866, Lakeland b. c.1791-d.1828, Crowder b. c.1755-d.1824.

⁵⁶ *HRA* III, iii p.332 Crowder to Bigge, n.d. 1820, pp.328-9 Lakeland to Bigge, 23 March 1820; *HRA* III, ii p.277, Sorell to Macquarie, 13 September 1827. Lakeland's salary £75, rations, 3 servants, a house and firewood.

⁵⁷ Pike (General editor), *ADB* Volume 1 p.81; *HRA* III, iii p.230 Bell to Bigge, 26 February 1820, According to Bell, as acting engineer, his salary was 7s 6d per day, as magistrate he received the 'usual' 4 men on the store, and as inspector of works he was granted an additional 2 men and keep of a horse and access to the assistant inspector's horse.

⁵⁸ AOT CO Reel 6006, 4/3498 pp.249, 254; AOT CO Reel 6039/4/424 pp.51-2. There is conflicting information, as according to the *HTG* 13 June 1818, p.1, col. 1, Sorell appointed both Bell and Humphrey as magistrates and justices of the peace for the whole settlement on 13 June 1818. Humphrey had previously held the same positions in the County of Buckinghamshire.

Robinson, and also Humphrey went aboard.⁵⁹ Humphrey noted a description of each man and the convicts were usually landed the following day.

MANAGEMENT OF CONVICTS

To enable settlers to apply for assigned servants, as much notice as possible was given of the arrival of a convict transport. Public notice was always given to the settlers of the disembarkation, and if time permitted, notice was sent to the distant settlers by constables. After landing, the convicts were mustered at the gaol yard, and Bell would report to Sorell when the men were ready for inspection. Sorell addressed the convicts, and generally commenced with his approval of their clean appearance and their correct conduct whilst on board. They were told that good behaviour would be to their advantage, and they would be treated kindly. Sorell warned those who had been reported as disorderly by the Surgeon-Superintendent, that they should be more circumspect and they would be watched by the police. Convicts intended for public works were then inspected by Sorell for his approval for such public employment, and the settlers chose from the remainder. Any convicts not selected by settlers were then put to labour in the public works and afterwards ‘given away’ as requested.⁶⁰

On the arrival of a female convict ship, Sorell visited the convicts before landing and inspected the ship. He supplied the Surgeon-Superintendent with a list of settlers

⁵⁹ William Alexander Ross 12 April 1817 to c17 January 1818; Samuel Hood 17 January 1818 to 30 June 1818; Robinson 1 July 1818 to 14 May 1824. Thomas Wells was chief clerk throughout the whole period, see AOT ‘Sorell file’ reference no. 1967/71.

requesting female servants, and after selection by the Surgeon-Superintendent, they were landed by the Chief Constable, who also ensured they were delivered to the appointed house, town or country. According to Sorell, positions for servants with people of the 'better class' were filled by convicts who were recommended for good conduct, whilst those of a 'bad character' were placed in the female factory.⁶¹ There is no mention of servants being supplied for the people of a lesser or inferior class.

Police regulations had been published by Davey in April 1816, and republished and revised by Sorell. Chief-of-Police Humphrey had a constabulary which consisted of as many free men as possible and some well-conducted convicts, and he was responsible for the discipline of all assigned convicts under Sorell's leadership. In evidence to Bigge, Humphrey stated that before his appointment as Police Magistrate, there 'was always a record made of the offences and punishments' but then he contradicted himself by saying that 'the information was not always taken down in writing',⁶² and the records were in the custody of Thomas Fitzgerald,⁶³ clerk to the magistrates. Despite this apparent contradiction, Humphrey stated that he had good reason to believe that at the time of his appointment he did not receive the whole of the records as he had been informed by the clerk, Mr Brodribb, that the records had been kept in the loft of a small thatched cottage and Brodribb suspected that some had been destroyed by damp and wet.⁶⁴

⁶⁰ *HRA III*, iii pp.230-5 Bell to Bigge, 26 February 1820.

⁶¹ *HRA III*, iv p.145 Sorell to Arthur, 22 May 1824.

⁶² *HRA III*, iii pp.271-2 Humphrey to Bigge, 13 March 1820.

⁶³ Fitzgerald was also a school master.

⁶⁴ *HRA III*, iii pp.276, 271-2; P. Eldershaw 'The Convict Department', *Tasmanian Historical Research Association Papers and Proceedings* 15.3 (January, 1968), p.131.

There is evidence in the form of testimonies and documentation of the structure of a convict system being established by Sorell in 1817 soon after his arrival, and being maintained throughout his term of office.⁶⁵ In 1820, in describing the nature and practice of the regulations under Sorell's orders, Humphrey stated that from 1817 he maintained alphabetical registers of all convicts in the County of Buckinghamshire. The registers detailed a description of each convict, any particular marks, his native place, trade, place and time of trial and sentence, and details to whom he was assigned. The object of the registers was also to show the place of abode of every male convict and the convict population of each district, and they were used to check the weekly reports of the mustering constable of each district. A further object was, according to Humphrey, to record the details of passes for those convicts who had reason to travel to another district, and the time they were required to return. The pass system, which had been developed by Davey and Sorell, was an effort to cope with the bushranging problem. The dates and times were written in pencil and erased to enable subsequent details of passes to be recorded.⁶⁶ It was not until after 1824, and Ralph Darling's term as Governor of New South Wales, that a centralized system of convict records was established in New South Wales.⁶⁷

Sorell's system of registers can be seen as a precedent for Arthur's later system of surveillance of convicts in which the island was divided into nine districts, in which

⁶⁵ *HRA* III, iii p.272 Humphrey to Bigge, 11 March 1820, pp.542-62 Specimen Pages of Registers.

⁶⁶ *HRA* III, iii p.274 Humphrey to Bigge, 11 March 1820, p.542 Specimen Pages of Registers.

each district was under the responsibility of a police magistrate who exercised the functions of justice, as a coroner, a commissioner of the court of requests, granted travel passes and kept detailed registers of the free and convict population and also handled all applications for assigned servants. To ensure that he could regularly account for every convict, Arthur employed Edward Cook, a law-stationer who arrived in 1825 under a life sentence, to compile a series of 'Black Books' under the direction of Josiah Spode, Muster Master. In March 1827 Humphrey asked for Spode's appointment as Muster Master to be attached to his department. On the arrival of convict ships, Spode accompanied the Principal Superintendent on board to note the prisoner's descriptions and other particulars. Arthur's 'Black Books', were an expansion of Sorell's registers, as Arthur had marriages, deaths, pardons and other degrees of emancipation, particulars from the hulk lists, surgeon's reports, prisoners confessions, and previous offences incorporated into them.⁶⁸ Having established the details of Sorell's convict system, the next chapter will examine its operation.

⁶⁷ J.B. Hirst, *Convict society and its enemies: A history of early New South Wales*. (North Sydney, 1983), p.91.

⁶⁸ CSO 1/431/9687 cited Eldershaw, 'The Convict Department', *THRA P&P* 15.3 pp.133-4; P. Eldershaw, *Guide to the Public Records of Tasmania: Section Three: Convict Department*, p.4.

CHAPTER 4

SORELL'S CONVICT SYSTEM IN OPERATION

Lieutenant-Governor William Sorell's system of registers which were entered daily from the pass book and certificates of assignments of convicts from the public works to individuals, also had provision for denoting whether the convict held a ticket-of-leave, whether assigned, or employed on public works. If the prisoner was assigned, his or her master's name was noted, and if working on public works an extra note was added if he or she was sent to Port Dalrymple. When a convict was assigned, Chief-of-Police Adolarius William Henry Humphrey received a certificate from the Inspector of Public Works on which was recorded the master's name, and if residing in any of the districts, Humphrey gave the master a pass with the convict's name, and description. The passes were addressed to the constable of the district, who had orders to return them to the Post Office, and a register was kept of the papers.¹ A further innovation in Sorell's 'system of perpetual reference and general control'² is indicated by his establishment of registers of convict passes granted from the Police Office, and also his registers of the free population,³ indicating his organized and systematic surveillance of both the convict and free population.

¹ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania. January-December 1820.* (Sydney, 1921), pp.542-3, 'Specimen Pages of Books kept by Police'.

² J.T. Bigge, *The Bigge Reports Volume I. Report of the Commission of Inquiry on the State of the Colony of New South Wales, 1822* (Adelaide, 1966), p.19.

Settler applications for convicts were made to the office of the Lieutenant-Governor. According to inspector of public works Major Thomas Bell, he invariably received either written or verbal orders from Sorell with details of each convict's distribution, instructions about which Sorell was 'very particular',⁴ and Bell could only justify departing from in the event of Sorell's absence, in which case Bell, as senior officer, was in command. Settlers were only permitted to change their servants with consent of Sorell, who advised Bell's office, and the change was then noted. When a convict absented himself without leave from a settler, the latter was bound to give immediate notice to the government. Bell was notified when any change in assignment was made, and he kept a register of prisoners on public works and of those put on or taken off the store; a weekly list of which was signed by Sorell as an authority for the Commissary to issue rations. Sorell's secretary Henry Robinson kept the indents, originals in the case of convicts arriving direct from Britain and attested copies if from Sydney, 'carefully locked in drawers', and according to Robinson, they were used frequently, as no comprehensive register was kept.⁵

In the north of the colony, Sorell took steps to ensure that similar measures were in place to control and record the convicts. A general list which was sent to Port Dalrymple included any alterations or changes in an assigned convict's condition. This list enabled officials to trace convicts if necessary. However, considerable

³ *HRA III*, iii p.274 Humphrey to Bigge, 11 March 1820; D. Pike (General editor), *Australian Dictionary of Biography Volume 1* (Carlton, 1966), p.566; *HRA III*, iii pp.543-4 Specimen Registers of the free population.

⁴ *HRA III*, iii p.231 Bell to Bigge, 26 February 1820.

⁵ *HRA III*, iii pp.230-7 Bell to Bigge, 26 February 1820; pp.456-7 Massey to Bigge, 25 April 1820.

difficulties arose from insufficient stationery supplies. Sorell advised the northern commandant Gilbert Cimitiere that it was necessary that a 'proper person' be appointed to control and record the convicts and the list was to be transmitted to Cimitiere so that the general list would be kept complete.⁶ Thomas Massey, Chief Constable at Launceston since 1804, stated that he received lists of convicts when they were assigned, but he kept no general list as he was 'not allowed Paper for it or otherwise I would'.⁷ Joseph Lenahan, clerk to Cimitiere from April 1818, stated that since Cimitiere's arrival as commandant in the north, a general register of all people, free and bond, had been kept, however it was not alphabetical.⁸

According to Sorell, Massey stated to Commissioner Bigge that he was 'not in possession of a Nominal List of the Crown prisoners in the Service of the Settlers in the Districts adjoining Launceston'.⁹ It was probably as a result of Massey's evidence, that Sorell requested of Cimitiere that he furnish Massey with a list of prisoners assigned to settlers in the Launceston district, a list which, according to Sorell, was a document of 'indispensable necessity' to enable Massey to 'ascertain where the prisoners ought to be, and to whose Service they are bound, as well as to detect improper Conduct and evasion'.¹⁰ Sorell further requested that Cimitiere

⁶ *HRA III*, iii p.237 Bell to Bigge, 26 February 1820; *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819.* (Sydney, 1921), pp.522-3 Sorell to Cimitiere, 7 August 1819; *HRA III*, iii pp.81-3 Sorell to Cimitiere, 22 January 1820 (two despatches).

⁷ *HRA III*, iii p.449 Massey to Bigge, 29 April 1820.

⁸ *HRA III*, iii pp.408-9 Lenahan to Bigge, 21 April 1820.

⁹ *HRA III*, iii p.102 Sorell to Cimitiere, 22 April 1820, also see n.49 p.935.

¹⁰ *HRA III*, iii p.102 Sorell to Cimitiere, 22 April 1820.

ensure it was 'kept correct' by having all changes in the assignment of convicts made known to Massey by memorandum.¹¹

Sorell had already refined the system of punishment and convict organisation in the way which was later recommended by Bigge. If a settler wished to part with an assigned servant, it was necessary to apply to Sorell, as Lieutenant-Governor, in all cases other than misbehaviour, in which case application was made to a magistrate who ordered punishment.¹² The magistrate did not necessarily remove the servant unless his or her misbehaviour rendered it necessary. In his report when leaving the colony, Sorell named the country magistrates: Captain Patrick Wood of the Clyde; James Gordon, Pittwater; George Gunning, Coal River; Thomas Gregson, Jericho; and George Thomson, New Norfolk all of whom had always been resident in their districts. He also named Charles Rowcroft who had 'resided only occasionally in his District'.¹³

When a convict was discharged from a settler's service to government upon a charge, he or she was sent to the penitentiary and was divided into one of three classes; the first assignable to service; the second on trial; and the third under the most rigid penal restraint. After a convict had been corporally punished, the employer had the

¹¹ *HRA* III, iii p.102 Sorell to Cimitiere, 22 April 1820.

¹² *Historical Records of Australia. Series III. Governors' Despatches to and from England. Volume iv. 1803-June 1804* (Sydney, 1915), p.144 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.131-156 Arthur to Bathurst, 9 June 1824.

¹³ *HRA* III, iv p.144 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.131-156 Arthur to Bathurst, 9 June 1824. According to Reverend Robert Knopwood, the magistrates sworn in on 17 August 1822 were: Charles Rowcroft, George Read and Peter Mulgrave, and on 31 August Mr. Thompson was a 'new magistrate', M. Nicholls (ed.), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), 17 and 23 August 1822 p.367.

option of receiving him back.¹⁴ In 1816, it was ordered that settlers should pay their servants £10 a year for each male and £2 for each female if slop clothing (ready-made) was not provided, and for such wages the settler had a right to the convict's 'extra time'.¹⁵ By 1820, with few exceptions, servants were required to live on their master's premises and were not permitted to be at large at night. After three years of good conduct, and with his or her employer's testimonial supported by a magistrate, an assigned servant was able to apply for a ticket-of-leave.¹⁶

The shortage of slop clothing and bedding was a perennial problem for Sorell, and his frequent requests to Macquarie for supplies did not result in very favourable responses. Twice in June 1817 Sorell requisitioned clothing and bedding,¹⁷ but Macquarie replied that there was 'neither Slop Bedding nor Slop Clothing' in store at Sydney.¹⁸ To Sorell's further requests in September, October and December, Macquarie replied that he was still unable to send supplies as there was not a single suit in the stores at Sydney, where the Government servants were as badly off as those in Van Diemen's Land. No supplies had been received from England for two years, and in the meantime, Macquarie said that he would forward a supply of colonial blanketting to be made up into slop clothing for the prisoners who were

¹⁴ *HRA* III, iii p.274 Humphrey to Bigge, 11 March 1820; *HRA* III, iv p.144 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.131-156 Arthur to Bathurst, 9 June 1824.

¹⁵ CSO 1/27/480 Government and General Orders 1815, 18 October 1818, 14 July 1821, cited P. Eldershaw, *Guide to the Public Records of Tasmania. Section Three. Convict Department* (Hobart, 1965), p.7. 'Extra time' was that allowed convicts for their own work after their completed tasks.

¹⁶ CSO 1/27/480 Government and General Orders 1815, 18 October 1818, 14 July 1821, cited Eldershaw, *Guide to the Public Records of Tasmania. Convict Department*, p.7.

¹⁷ *HRA* III, ii p.252 Sorell to Macquarie, 23 June 1817.

¹⁸ *HRA* III, ii p.295 Macquarie to Sorell, 10 January 1818.

most in need.¹⁹ In April 1818 to his requests, Sorell received the reply from Macquarie that it was impossible for him to comply with Sorell's 'Demands for these Articles oftener than once a year', when supplies were received from England.²⁰

The situation did not improve, and Sorell felt the need was urgent. In August 1818 along with his annual requisition, he also applied for tools and stores for use in the public works.²¹ Macquarie sent a supply of medicines and also advised Sorell that he should realize 'for once and all' that he was 'not to expect to receive *regular Supplies* at the Periods due of Slop Clothing'.²² At Sydney they 'never receive regular supplies from England, and are some times twelve months in arrear for all those Articles', a situation which compelled them to make 'the best Shift' they could. He advised Sorell that he must do the same, and 'patiently wait the arrival of regular Supplies from England'. Macquarie noted that they had no more in store than would be sufficient for the year, and it might be six or eight months before he would be able to comply with Sorell's 'large Demand' for slop clothing and bedding.²³

In February 1820 Commissioner Bigge questioned Bell about supplies of clothing.

Bell replied that when he arrived in the colony there was a 'sufficient supply, but at

¹⁹ *HRA* III, ii p.252 Sorell to Macquarie, 23 June 1817 *HRA* 111, ii p.270 Sorell to Macquarie, 24 July 1817; *HRA* III, ii p.295 Macquarie to Sorell, 10 January 1818. Other requests for supplies see *HRA* III, ii p.276 Sorell to Macquarie, 13 September 1817, *HRA* III, ii p.279 Sorell to Macquarie, 13 October 1817; *HRA* III, ii p.289 Sorell to Macquarie, 18 December 1817; *HRA* III, ii p.301 Sorell to Macquarie, 23 February 1818; *HRA* III, ii p.348 Sorell to Macquarie, 18 August 1818.

²⁰ *HRA* III, ii p.314 Macquarie to Sorell, 7 April 1818.

²¹ *HRA* III, ii pp.348-9 Sorell to Macquarie, 18 August 1818.

²² *HRA* III ii p.353 Macquarie to Sorell, 24 September 1818.

²³ *HRA* III, ii p.349 Sorell to Macquarie, 18 August 1818; *HRA* III, ii pp.353-4 Macquarie to Sorell, 24 September 1818.

present there is a deficiency'.²⁴ Bell continued, that there was no 'actual want' at the time, but unless a supply arrived before winter set in the convicts would 'suffer very much, the Climate during the winter months being severe compared with that at Sydney'.²⁵ There was apparently still a supply shortage in December 1821, because Sorell wrote to Under-Secretary Henry Goulburn requesting supplies and slop clothing for the 'Convicts in the Service of the Crown'. He also requested stores to enable him to continue the 'Several Public Works, roads, and Buildings' in progress.²⁶ Sorell explained that he was induced to submit the requisition because of the uncertainty of receiving supplies from Port Jackson, as well as the frequent difficulty and 'occasional impossibility' of obtaining stores, tools and materials in the colony.²⁷

The inspector of public works was particularly responsible for convicts who were not assigned to settlers but were under the direct control of the government. Bell gave evidence that he always took the best mechanics for public works but left the settlers to take the best labourers, and it was a rule to comply with the settlers' requests unless a labourer was particularly required for government use. Farming men were of greater assistance to the settlers than to the government, so he always granted them to settlers if requested.²⁸ When a settler applied to Sorell for a mechanic, he was referred to Bell and one was given to him off the store for two or three months

²⁴ *HRA* III, iii p.235 Bell to Bigge, 26 February 1820; *HRA* III, iii p.230 Bell to Bigge, 26 February 1820, Bell arrived in the colony in June 1818.

²⁵ *HRA* III, iii p.235 Bell to Bigge, 26 February 1820.

²⁶ *HRA* III, iv p.43 Sorell to Goulburn, 10 December 1821.

²⁷ *HRA* III, iv p.43 Sorell to Goulburn, 10 December 1821.

²⁸ *HRA* III, iii p.235 Bell to Bigge, 26 February 1820.

or until the task was completed. Such was the usual way of accommodating settlers as they were unable to have mechanics 'assigned entirely'.²⁹

The Superintendent of Convicts at Hobart Town when Sorell arrived was Thomas Crowder, who was appointed in 1813. In July 1818 Sorell appointed John Lakeland as a second superintendent. Crowder was an emancipated convict (indicted as Thomas Risdale), originally convicted on grand larceny, and separately, on house burglary, crimes for which, in 1785 he was sentenced to death. His sentence was later commuted to life transportation, and he was delivered to the *Alexander* for New South Wales, from where he was sent to Norfolk Island. In June 1792 Crowder was recommended by Lieutenant-Governor King for his honesty and activity as a general inspector of convicts and for being 'of the greatest service to the Publick'.³⁰ Five months later he was recommended for an 'absolute pardon as long as he stayed away from England',³¹ and in September 1793 was sworn in as a constable for Grenville Vale, Norfolk Island.³²

Crowder arrived in Van Diemen's Land on 21 May 1809 where, as well as being Superintendent of Convicts, he acted as master carpenter and bricklayer and assisted the Colonial Engineer.³³ The second superintendent, John Lakeland, arrived in the

²⁹ HRA III, iii p.239 Bell to Bigge, 29 February 1820.

³⁰ M. Gillen, *The Founders of Australia: A Biographical Dictionary of the First Fleet* (Sydney, 1989), p.88.

³¹ Gillen, *The Founders of Australia*, p.88.

³² Gillen, *The Founders of Australia*, p.88; HRA III, ii pp.565, 652, 663 for 'Account of Salaries' Crowder £50 per annum, and HRA III, iii p.332 Crowder to Bigge (day and month not given) 1820. Crowder stated his salary to be £50 per annum, 2 servants, and rations for his wife and child.

³³ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume vii. January 1809-June 1813* (Sydney, 1916), p.159; Pike (General editor), *ADB Volume 1* p.264.

colony in 1814 or 1815 as a free settler, 'with a view of establishing' himself.³⁴

In 1816 he acted as provost-marshal when Martin Tims, who had held the position since September 1815, was suspended. As well as the position of superintendent of convicts, Lakeland also held the position of assistant inspector of public works in Hobart Town, a position he held until his resignation in 1825. In 1820 he succeeded Crowder as principal superintendent of convicts, a position he held until his death.³⁵

In their positions as superintendents of convicts, Lakeland and Crowder attended Sorell's office each Thursday and received all applications for convicts from the settlers. The applications were taken to Bell, and if he was able to spare the convicts, he made out the orders for putting them on and off the store. These orders then received Sorell's signature. It was Crowder's duty to take the orders to the commissary and see the details erased or entered in the storekeeper's books, and such changes were only allowed to be made weekly except in urgent circumstances. Crowder kept a book in which alterations respecting convicts in government employment, as well as those assigned to settlers on the store, were marked in pencil.³⁶ By 1818 his abilities appear to have been declining, as his convict returns seldom tallied with those of the Colonial Secretary, and in June 1820 Crowder was succeeded by Lakeland as principal superintendent of convicts. Also in 1820, Sorell recommended that Crowder should be superannuated, 'being advanced in life',³⁷ and with Macquarie's approval, he was given a pension of £25 per year and became

³⁴ *HRA* 111, iii pp.328-331 Lakeland to Bigge, 23 March 1820.

³⁵ *HRA* 111, iii pp.328-9 Lakeland to Bigge, 23 March 1820; D. Pike (General editor), *Australian Dictionary of Biography Volume 2, 1788-1850* (Carlton, 1967), pp.71-2, p.531.

³⁶ *HRA* III, iii p.332 Crowder to Bigge, 1820.

caretaker of St. David's Church. He died at his residence in Elizabeth Street, Hobart Town, on 28 November 1824.³⁸ Lakeland died at the home of his brother-in-law, James Gordon, at Pitt Water, on 26 November 1828, aged thirty-six or thirty-seven years, and was buried at St David's Burial Ground.³⁹ It was during Lakeland's time as principal of convicts, that the penal settlement at Macquarie Harbour was established.

CONVICTS AND PUBLIC WORKS

The convicts on public works were a charge upon the government, and were employed in public building and maintenance programmes in areas such as roads, bridges and buildings. According to Bell, once assigned to the respective working gangs, the prisoners employed in the public works were allowed to find lodgings for themselves amongst the settlers who had houses. Prisoners usually paid approximately 5s 0d weekly for lodging, but where they lodged in the skilling of a house, it was usually free in return for their labour in providing wood and water. The prisoners who were required to pay for their lodging obtained the money from their labour during 'extra hours', their free time, which was equivalent to about a third of each day. If unable to find accommodation, Sorell ordered the Chief Constable to billet them in prisoners' houses for a night or two, after which any still

³⁷ Crowder would have been aged between 62 and 64 years. Pike (General editor), *ADB* Volume 1, p.264.

³⁸ Pike (General editor), *ADB* Volume 1, p.264; Gillen, *The Founders of Australia*, p.89; *Historical Records of Australia. Series III., Despatches and Papers relating to the settlement of the states. Volume v. Tasmania December 1825-March 1827. Northern territory 1823-1827. Western port Victoria 1826-1827.* (Sydney, 1823), p.643; *The Hobart Town Gazette and Southern Reporter* (Hobart, 1824), 3 December 1824 p.3, col. 4.

³⁹ R. Lord (compiler), *Inscriptions in Stone: St. David's Burial Ground 1804-1872* (Hobart, 1976), p.189; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 26 November 1828 p.528.

without accommodation were then lodged in a room in the gaol or at the lock-up house. This was necessary as there was no public building for their reception. The summer working day for public works prisoners was from 6 a.m. to 9 a.m. and from 10 a.m. to 3 p.m. and during winter, from 8 a.m. to 1 p.m. In summer, the prisoners were free after 3 p.m., and during winter, after 1 p.m. Each Wednesday they were permitted an extra hour to draw the weekly half ration.⁴⁰ The industrious convict was able to use his free time to his own advantage by gaining employment, whereas to some others it was a disadvantage as it gave them the opportunity to use the time for illegal activity. Therefore both types were likely to complete their day of public works not necessarily to the highest standard of production.

When asked by Bigge if he thought that the convicts in Hobart Town could obtain sufficient employment to enable them to pay for lodgings, Bell replied that at the time, although the numbers were considerable (in 1820 there were 533), the industrious could still find employment. Such labour, because of the scarcity of small coin or money, was paid either in lodging or in what was known as 'property'. Many convicts made bricks which they sold to the inhabitants. Others, such as 'notorious thieves and London Pick Pockets and Housebreakers', did not appear to work after hours, and many spent their time 'lounging about the Streets, [and] gambling and robbing at night'.⁴¹ According to Bell, there was no means of lodging the 'bad characters'. There was only a house of two rooms which slept about fifty convicts on guard beds, where a small room at one end of the building was for

⁴⁰ *HRA III*, iii pp.230-1 Bell to Bigge, 26 February 1820.

⁴¹ *HRA III*, iii p.232 Bell to Bigge, 26 February 1820.

constables on duty. Nearby was a watch house from which the constables started their patrol of that section of town.⁴² In reply to questioning from Commissioner Bigge about the availability of land for convicts, Surveyor George Evans replied that if they had the means to erect a hut, convicts were allowed a quarter of an acre and they were 'placed in a line of rotation in forming the new streets as marked out in the plan'.⁴³

Public buildings were constructed by public works prisoners supervised by an overseer, by contract, or by a combination of both. In 1820 George Read, who was aged twenty-three or twenty-four, was the only free man employed as an overseer. Read, as Superintendent of Carpenters, received a salary of £30 per annum and was supplied with two government men, one of whom was a shoemaker by trade, and the other a collar-maker. Read had thirty convict carpenters under his superintendence, only eight of whom he considered to be good workmen. Those who were not punctual in attendance, or who neglected their work, he reported to Bell, who in turn fined them with extra labour for certain periods, when they had no means to work for themselves. Amongst Read's supervised works was the building of the hospital, St. David's Church, Government House, market place and the new bridge.⁴⁴

It was Sorell's practice to employ government mechanics in their extra hours if there was a demand, and Read found that government men worked hard to finish their task work before their government hours had expired to enable them to do extra work.

⁴² *HRA* III, iii pp.230-8 Bell to Bigge, 26 February 1820.

⁴³ *HRA* III, iii p.325 Evans to Bigge, 23 March 1820.

However, in such cases the prisoners needed to be closely supervised to ensure the government job was completed properly. A special exception was the making of the church windows. A convict by the name of 'Brown' agreed to make them for £9 a window, from which he allowed his government time to be deducted, rating it at 5s 0d per day.⁴⁵

Read also superintended the bricklayers' gangs, and under questioning by Bigge, admitted problems with some of the buildings, especially the hospital and the church. The brickwork of the church was 'very bad', and the northern wall had swerved fifteen inches. He also admitted that the brickwork of the hospital was 'not good Brickwork', but he conceived it was in some measure due to the 'badness of the Bricks'. The reason which emerged in evidence was that the cause was probably due to the overseer, who 'made better Bricks himself' than were made by the brickmakers he superintended. Perhaps with the lone exception of the overseer of the plasterers, Read and Bell found that 'prisoners of a class above the common labourer, when emancipated or free' were generally rather severe masters to their convict servants. In the case of the 'poorer Description who became settlers after freedom', the reverse was generally found to be the case, as they lived in common with convict servants and kept up 'little if any Distinction'.⁴⁶

Bell maintained a list of government prisoners who were 'put on' or 'taken off' the store and the list was transmitted to Sorell for signature. The list then became an

⁴⁴ *HRA* III, iii pp.234-5 Bell to Bigge, 26 February 1820; pp.333-5 Read to Bigge (no day or month given), 1820.

authority to the commissary to issue rations. Bell also kept an account of the receipts and issues of tools and utensils such as iron pots and frying pans, and supplied Sorell with a quarterly return, a copy of which was transmitted to Macquarie. Articles required for the public works were purchased on the authority of Sorell, which Bell was ‘very Particular in having’.⁴⁷

When Bell was appointed in June 1818, he found all victualling concerns were handled by Crowder who received all his orders either from Sorell or Sorell’s secretary. Bell noticed ‘great mistakes’ in the ration issues and after ‘frequent conversations’ with Sorell, in October 1819, changed the system so that settlers could only take convicts off the store on Fridays, and no convict could be added to the list of the government working gangs without an order from either Sorell or a magistrate. Convicts were rationed each Wednesday and Saturday, and gangs working in towns were mustered in the presence of Bell and Lakeland at 6 a.m. during summer and 8 a.m. in winter before proceeding to their different works where they were again likely to be mustered at ‘uncertain periods’. Bell selected the overseers of his gangs from the labouring men who ‘appeared to know their work well’, which, combined with his general observation of their conduct, helped in his decision.⁴⁸ He felt the indents which were always kept at Sorell’s office would be of little help in selecting overseers, as the indents merely contained a description of the offence and the period of punishment. Bell’s suggestion for improvement was for a recommendation from a magistrate who had the opportunity of being acquainted with

⁴⁵ *HRA* III, iii pp.333-5 Read to Bigge, 1820.

⁴⁶ *HRA* III, iii pp.234-5 Bell to Bigge 26 February 1820; pp.333-5 Read to Bigge, 1820.

the ‘lives and habits of the individual’, such recommendations if they accompanied the indents, would afford safe guides for the selection of ‘indulgence or employment’.⁴⁹

A ticket-of-leave was granted at Sorell’s discretion for good behaviour, and could be withdrawn for bad conduct. At the time of his arrival seventy-nine convicts held tickets-of-leave, and by the end of February 1820 a total of 508 had been granted. Also at the end of February, of this number, twenty-three tickets had been forfeited, seventeen holders were free by servitude, there had been one free pardon and eight conditional pardons granted, and two ticket-of-leave holders had died.⁵⁰ According to Sorell, a ticket-of-leave was an indulgence that ‘would not be interfered with, except by a Magistrate’s award or some paramount necessity’.⁵¹ Holders were also likely to be punished. In Hobart Town in 1817 twenty-one were ordered by the Bench of Magistrates to be punished, forty-three in 1818, and seventy-one in 1819.⁵²

Bell did not think he would have obtained the same work from the prisoners in government employment without first giving a promise of a ticket-of-leave as it operated as a security for good behaviour in places where supervision could not be provided. The ticket permitted the convict to own property and work for wages, with

⁴⁷ *HRA* III, iii p.241 Bell to Bigge, 29 February 1820.

⁴⁸ *HRA* III, iii p.233 Bell to Bigge, 26 February 1820.

⁴⁹ *HRA* III, iii pp.233-4 Bell to Bigge, 26 February 1820. In his recommendation he was perhaps foreshadowing Arthur’s later extended use of stipendary magistrates.

⁵⁰ *HRA* III, iii p.514, Return of Tickets-of-Leave. In 1817 Sorell granted 37, in 1818 he granted 120, in 1819 he granted 227 and in 1820 between 1 January and 29 February he granted 45.

⁵¹ *HRA* III, iv p.144 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.131-156 Arthur to Bathurst, 9 June 1824.

⁵² *HRA* III, iii p.514, Return of Tickets-of-Leave.

the requirement he regularly report to police.⁵³ It kept the holder under scrutiny of the bench of magistrates, and misdemeanors as judged by the bench brought a ticket into jeopardy; the holder risked return to assignment or a government gang, and because it was proof of good conduct, the ticket usually brought the holder higher rates of pay than the average free man. Ticket holders filled positions of trust such as constables and overseers of road parties. The certificate-of-freedom was issued to convicts whose sentences had completely expired, and holders of it were as free as they had been before they committed the offence which brought them to Van Diemen's Land. Pardons, absolute or conditional, were granted by His Majesty on the advice of the Lieutenant-Governor. Free or absolute pardons were irrevocable; conditional pardons were a higher reward than tickets-of-leave and were as good as freedom to the well-conducted holder, there being no such restrictions as were exercised over ticket-of-leave holders.⁵⁴

Convicts serving out their sentences became 'free by servitude', an option which was obviously denied prisoners sentenced for life. An absolute pardon, conferred before the sentence expired, was less common than a conditional pardon, the 'special condition' of which was 'that such felon or offender shall not return within any part

⁵³ HRA III, iii p.230 Bell to Bigge, 20 February 1820.

⁵⁴ B. Dyster, 'Public Employment and Assignment to Private Masters 1788-1821' in *Convict Workers Reinterpreting Australia's past* (S. Nicholas editor) (Melbourne, 1988), p.130; I. Brand, *Sarah Island 1822-1833 and 1846-1847* (Launceston, 1990), p.14; W.D. Forsyth, *Governor Arthur's Convict System. Van Diemen's Land 1824-36. A Study in Colonization* (Sydney, 1970), p.81.

of [the] Kingdom of Great Britain or Ireland during the term or time which shall thus remain unexpired of his or her sentence'.⁵⁵

RESTRAINT AND DETERRENCE

At a time when the convict population had increased rapidly, a secure place of restraint for the most incorrigible convicts was necessary, not only as far as the criminals themselves were concerned, but also because of a concern for the security of the inhabitants of the colony. In addition to the valuable products of timber and coal, Macquarie Harbour on the rugged west coast of Van Diemen's Land appeared to Sorell to possess the essential properties of precluding escape by both sea and land, and of making convict labour more productive than elsewhere.⁵⁶

One settler who was actively involved with the discovery and establishment of Macquarie Harbour, was Thomas William Birch, who arrived in the colony in 1808 as a medical officer aboard the *Dubac*. Birch built the first brick house in Hobart Town, and soon became the owner of several small ships. The first vessel known to have been built in Van Diemen's Land, the sixty ton schooner *Henrietta Packet* was built for Birch and launched early in 1812. Captain James Kelly (1791-1859), who was born at Parramatta, served for six years, from 1814, as master of the *Henrietta*

⁵⁵ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume i. 1788-1796* (Sydney, 1971), pp.211-2 'Governor's Power to Remit Sentences', Enclosure in W. W. Grenville to Governor Phillip, 15 November 1790, pp.211-2.

⁵⁶ For a detailed study of penal life at Macquarie Harbour, see H. Maxwell-Stewart, "'Penal Labour" and Sarah Island: Life at Macquarie Harbour, 1822-1834', in I. Duffield and J. Bradley (editors), *Representing Convicts and New Perspectives on Convict Forced Labour Migration* (London, 1997), pp.142-162

Packet and later the 120 ton brig *Sophia*, both owned by Birch. Sealing had brought Kelly to Hobart Town, and it was Birch, the English surgeon turned ship owner, who entrusted Kelly with the command of several vessels.⁵⁷ Both Birch and Kelly explored the west coast of Van Diemen's Land late in 1815, and of their discoveries, the most commercially valuable was that of Macquarie Harbour and its stands of huon pine. About June 1816, another ship-owner, Dennis McCarty⁵⁸ in the *Sophia*, went to Macquarie Harbour for huon pine, and found an 'Immense bed' of coal on the north shore, first exposed on the beach, and later on the banks of a river.⁵⁹

Accounts of who was responsible for the European discovery of Macquarie Harbour and Port Davey vary. It appears likely that Birch, Kelly and four other men set out from Hobart Town in the *Henrietta Packet* and travelled together as far as the entrance to Port Davey.⁶⁰ Using James Gordon's whaleboat, Kelly travelled further, and he was the first to enter Macquarie Harbour on 26 December 1815. It was either Birch alone, or Kelly and Birch together who discovered Port Davey.⁶¹ However in July 1825 Kelly claimed that he discovered both Port Davey and Macquarie Harbour and as an indulgence he sought an extension to his original grant of land and his two

⁵⁷ *HRA* III, iii pp.354-7 Birch to Bigge, 30 March 1820; Pike (General editor), *ADB* Volume 1, pp.36-7.

⁵⁸ In May 1817 Sorell described McCarty as 'one of the most turbulent and insubordinate Men in the Settlement', see *HRA* III, ii Sorell to Macquarie, 2 May 1817, and was tried at Sydney on 1 June 1817 for assault, see p.773 n.88. Further information on McCarty (sometimes spelt McCarthy) see E.T. Pretymann, 'Dennis McCarthy' in *Tasmanian Historical Research Association, Papers and Proceedings*, 7.2, (September 1958), pp.26-32.

⁵⁹ Brand, *Sarah Island*, p.18.

⁶⁰ Kelly's brother-in-law John Griffiths, George Briggs, William Jones and convict Thomas Toombs.

⁶¹ KM Bowden, *Captain James Kelly of Hobart Town*, (Carlton, 1964), pp.106-7; *HRA* III, iii pp.356 Birch to Bigge, 29 March 1820; p.946 n123; *HRA* III, ii p.290-1 Sorell to Macquarie, 8 December 1817, p.778 n115; R.W. Giblin, *The Early History of Tasmania Volume 11* (Melbourne, 1939), p.173.

subsequent purchases.⁶² As a result of Kelly's discovery, Birch was given the exclusive right for twelve months to obtain the urgently demanded huon pine from Macquarie Harbour and Port Davey. Resistant to termites, durable and easily worked, the timber was valuable and was used for building both houses and ships. Kelly made seven voyages to Macquarie Harbour, for two of which the government chartered the *Sophia* to collect huon pine at £200 a load.⁶³ At forty-seven years of age, Birch died suddenly on 1 December 1821.⁶⁴

According to Sorell, it was about September or November 1818 when he first suggested the benefits of forming an establishment at Macquarie Harbour.

Macquarie 'intimated' his approval, and also his intention to 'lay it before His Majesty's Government'.⁶⁵ It was, however earlier, as on 16 May 1818 Macquarie wrote to Bathurst and informed him that Sorell had:

lately suggested the Expediency of forming a small Settlement at 'Macquarie Harbour', for the purpose of supplying the Other Settlements in Van Diemen's Land with Coals and Huon Pine, and as a Place of Banishment and Security for the Worst Description of Convicts.⁶⁶

⁶² E. FitzSymonds (editor), *Mortmain: A collection of choice Petitions, Memorials and Letters of protest and request from the convict colony of Van Diemen's Land; written by Divers Persons, both eminent and lowly, and collected and transcribed from the original by Eustace FitzSymonds, with numerous pages of the Manuscripts shewn in facsimile.* (Hobart, 1977), pp.16-19 Kelly to Arthur, July 1825.

⁶³ *HRA* III, iii p.464 Kelly to Bigge, 3 May 1820; Bowden, *Captain James Kelly of Hobart Town*, p.46. *HRA* III, iii p.326, according to Deputy-Surveyor Evans c1816 Macquarie gave Birch the exclusive right of cutting huon pine at Macquarie Harbour for between 18 months and 2 years.

⁶⁴ *HTG* 8 December 1821, J. West, *The History of Tasmania* (A.G.L. Shaw edition) (Sydney, 1981), p.646 n89.

⁶⁵ *HRA* III, iii p.12 Sorell to Macquarie, 21 March 1820, *HRA* III, ii p.18 Sorell to Goulburn, 12 May 1820; *HRA* III, iv p.861 n13.

⁶⁶ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume x. January 1819-December 1818* (Sydney, 1917), p.796 Macquarie to Bathurst, 16 May 1818.

Regarding the latter point of view, Macquarie was inclined to think it would answer remarkably well indeed, as the convicts' escape would be next to impossible.⁶⁷ Macquarie requested authority to direct Sorell to establish a small settlement at Macquarie Harbour as soon as practical, in anticipation of which he had already authorized him to immediately build a small vessel of about sixty or seventy tons.⁶⁸ In recommending the formation of Macquarie Harbour, Sorell was particularly influenced by the urgent need of a place of punishment to which the worst class of convicts could be sent, and where their labour would be productive.⁶⁹ At the time of his suggestion, such prisoners were sent to the Coal River, Newcastle, New South Wales, which 'incurred' much 'expence, inconvenience and Evil'.⁷⁰

Thomas Florence, a former Royal engineer who arrived in Hobart Town in May 1818, 'accepted the proposal' from Sorell to travel to Macquarie Harbour to survey the port and its shores and to make 'such observations as circumstances may allow'.⁷¹ Florence left Hobart Town on 30 October 1818 in the brig *Sophia* with Kelly in command of six men, a government boat and equipment. Sorell also instructed Florence to observe the Gordon River and its course, 'remarking the description of country through which it passes'.⁷² He was also to examine the different kinds of trees, to note 'particularly' the marshy shores and 'where good for

⁶⁷ A copy of this letter is unavailable, see *HRA* III, iii p.927 n5.

⁶⁸ *HRA* III, iv p.27 Sorell to Macquarie, 11 August 1821; *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume ix. January 1816-December 1818* (Sydney, 1817), p.796 Macquarie to Bathurst, 16 May 1818. Macquarie's despatch does not appear to have been acknowledged, see *HRA* I, ix p.905.

⁶⁹ *HRA* III, iv p.861 n13.

⁷⁰ *HRA* III, iii p.19 Sorell to Goulburn, 12 May 1820.

⁷¹ *HRA* III, ii p.680 Sorell to Florence, 24 October 1818. Sometimes spelt 'Florance'.

⁷² *HRA* III, ii p.681 Sorell to Florence, 24 October 1818; *HRA* III, iii p.363 Sorell to Macquarie, 18 November 1818.

landing; where fresh Water' was to be found, and how far that water might be 'considered 'permanent or dependent of seasons'.⁷³ Florence was also directed to return with a cargo of huon pine for the government. The chief object of the observations, according to Sorell, was to examine the area in regard to its potential for forming a government establishment and settlement, the availability of fresh water, and the suitability for cultivation and grazing of cattle and sheep. Sorell impressed upon Florence, that if he met with Aborigines he was to conciliate them.⁷⁴

In January 1819, a nautical survey of the harbour was made by Lieutenant Phillip Parker King of the Royal Navy, in His Majesty's cutter, the eighty-four ton *Mermaid*. His explorations were carried out under the direction of the Admiralty and the Colonial Office, and he was accompanied by the botanist Allan Cunningham as collector for Kew Gardens, London. Due to time constraints, King was only able to chart the entrance and the waters of the lower part of the harbour, where a channel through a shallow area needed to be traced. The shortage of time also made it necessary to omit Port Davey from his programme.⁷⁵

In 1820, at the time of the arrival of Commissioner Bigge to investigate the condition and progress of the colony on behalf of the Colonial Office, Sorell was still firmly advocating the establishment of a penal station at Macquarie Harbour.⁷⁶ As he was

⁷³ HRA III, ii p.681 Sorell to Florence, 24 October 1818.

⁷⁴ HRA III, ii pp.680-2 Sorell to Florence, 24 October 1818; HRA III, iii p.363 Sorell to Macquarie, 18 November 1818; See HRA III, iii pp.645-6 for Florence's Report.

⁷⁵ Phillip P. King, *Narrative of a Survey of the Intertropical and Western Coasts of Australia, 1818-1822* (1827), cited Giblin, *The Early History of Tasmania Volume 11*, pp.172-3; HRA III, iii p.506-7 King to Bigge, 27 January 1821.

⁷⁶ HRA III, iii p.18 Sorell to Goulburn, 12 May 1820.

accompanied by the Surveyor-General of New South Wales Lieutenant John Oxley, Bigge took advantage of his presence to arrange that Oxley proceed to the west coast to examine Macquarie Harbour and Port Davey. In transmitting his instructions, Bigge considered the principal object of Oxley's visit was to ascertain as accurately as means and time would permit, the nature of the soil, the natural vegetation, the varieties and quantity of timber, and the facility of procuring it, especially the valuable huon pine.⁷⁷

The difficulties of the narrow entrance to Macquarie Harbour, known as 'Hell's Gates', where the water depth over the sand bar only allowed for vessels drawing eight feet of water, and the westerly winds which prevailed for many months of the year, had been well established. Oxley was also instructed to observe and report where fresh water had been discovered or where it might be procured. Bigge was also interested in the 'situation which from soil and contiguity to Timber and coal',⁷⁸ might appear to Oxley, to afford the means of employing convicts, combined with the cultivation of corn and vegetables for their subsistence. Kelly, recently appointed Harbour-Master at the Derwent, and Dr. James Scott were two of those who accompanied Oxley aboard the brig *Governor Macquarie*, however adverse weather and sea conditions prevented them from progressing any further than Port Davey. Kelly, Oxley and Scott left the vessel, and in an ill-provisioned whaleboat,

⁷⁷ HRA III, iii pp.644-5 Bigge to Oxley, 21 March 1820.

⁷⁸ HRA III, iii p.645 Bigge to Oxley, 21 March 1820.

they returned to Hobart Town. The *Governor Macquarie* sailed around the west coast to Launceston without calling at Macquarie Harbour.⁷⁹

The following January, Sorell hoped that the Commissioner had obtained Lieutenant King's opinion about Macquarie Harbour, as Sorell thought that King's opinion would go far to counter the objection arising from Oxley's failure. King had found no difficulty in access during January and February, the only time he had difficulties was during a few weeks at the end of Winter and Autumn when a 'sort of Change of Monsoon occurs'. Sorell was 'pretty well convinced' that the passage was always accessible as the shelter from Port Davey protected the approach from most of its hazard on the western side.⁸⁰

Bigge was favourably impressed with Sorell's proposal for a settlement, and in May 1820 Sorell indicated the advantages to Under-Secretary Goulburn, and also notified him that Surveyor Evans was preparing a map of Van Diemen's Land, in which surveys of both Macquarie Harbour and Port Davey would be incorporated.⁸¹ The increase in convicts entering the colony, and the separation of such convicts from the mass of lesser offenders, made it necessary to find a place of security and restraint

⁷⁹ HRA III, iii pp.644-5 Bigge to Oxley, 21 March 1820, p.18 Sorell to Goulburn, 12 May 1820; Giblin, *Early History of Tasmania* 11, p.177; HRA III, iv p.648 Sorell to Bigge, 26 January 1821; Bowden, *Captain James Kelly of Hobart Town*, pp.59, p.66.

⁸⁰ HRA III, iv pp.641-2 Sorell to Bigge, 26 January 1821.

⁸¹ Map published by George Evans in 1822 with his G. W. Evans A. *Geographical, Historical and Topographical Description Van Diemen's Land, with important Hints to Emigrants, and useful information respecting the application for grants of land; together with a list of the most necessary articles for persons to take out. Embellished by a correct view of Hobart Town; also, a large chart of the island, Thirty Inches by twenty-four, with the soundings of the harbours and rivers, and in which the various grants of land are accurately laid down.* (London, 1822); HRA III, iii p.928 n10.

for the ‘most incorrigible’, a situation which was becoming daily more urgent.⁸²

Sorell, having had the satisfaction of receiving an indication of Macquarie’s approval, announced in August 1821 that a settlement would be made in summer with Lieutenant John Cuthbertson as commandant.⁸³

On 8 December 1821, Sorell approved and confirmed Cuthbertson’s appointment as commandant and magistrate. James Lucas was appointed Harbour Master and Pilot, and Cuthbertson was instructed to help Lucas erect a hut for himself and his boats. Richard Ray, who had been recommended by the acting engineer, was to act as constable of the settlement. Cuthbertson was also instructed to take Evans to survey the shores of the harbour and to give his opinion on the most eligible point for fixing the settlement, with consideration to security from flooding, the provision of fresh water, and the availability of anchorage and landing places for coal and timber. In his jurisdictions as Magistrate and Justice-of-the-Peace, Cuthbertson was to hear and determine all charges against convicts, inflicting solitary confinement never exceeding fourteen days, or corporal punishment never exceeding 100 lashes as the case may require. Minutes of the appropriate evidence were to be taken in writing and entered in a ‘Record Book’ by the clerk, and a return of the punishments was to be sent quarterly to the Deputy Judge-Advocate, according to a form with which Cuthbertson was supplied. He was reminded that the establishment aimed to punish the most disorderly and irreclaimable convicts, and the punishment system was to be strict and uniform. If Cuthbertson found any convicts to warrant his

⁸² *HRA* III, iii pp.18-20 The despatch does not appear to have been acknowledged see p.963; *HRA* III, iv p.861 n13.

recommendation of a remission of sentence or removal to a lesser situation, he was to report to Sorell for subsequent consideration and reference.⁸⁴

Cuthbertson received instructions about observing the Sabbath Day, divine worship, and the reading of prayers, and was advised that the resident Chaplain would distribute bibles, testaments and prayer books. Other instructions dealt with rations of bread, flour, peas, sugar and soap. He was also to write very fully such observations and suggestions that occurred to him on first arriving, and then again after he had further knowledge of the area. Cuthbertson was to allot a gang to work the coal as well as the timber as soon as other duties permitted. He was also required to furnish quarterly returns of labour, stating the quantity of timber and coal forwarded by each vessel to Hobart Town, and the estimated quantity ready for shipping; of tools, stores and materials expended and of supplies required; and also of deaths or casualties.⁸⁵ Sorell's instructions to Cuthbertson are further examples of his system of convict system in operation, as well as examples of his concern for the moral welfare of the convicts.

ESTABLISHMENT OF MACQUARIE HARBOUR PENAL SETTLEMENT

An establishment numbering 110 people sailed from Hobart Town on 12 December 1821 on board the *Sophia* under the charge of the Harbour Master and Pilot James

⁸³ *HRA* III, iii p.21 Sorell to Macquarie, 15 May 1820; *HRA* III, iv p.27 Sorell to Macquarie, 11 August 1821.

⁸⁴ CSO 1/134/3229, 8 October 1821; *HRA* III, iv p.34 Sorell to Macquarie, 8 October 1821.

⁸⁵ CSO 1/134/3229, 8 October 1821.

Kelly, and the government brig *Prince Leopold*,⁸⁶ to found the settlement. In addition to the Commandant, and Kelly, those listed to establish the settlement included Assistant-Surgeon James Spence, Deputy-Surveyor Evans, acting storekeeper Sergeant Waddy, sixteen members of the 48th Regiment, four of whom had wives, and there were eleven children. Eleven convicts were described by Sorell as artificers and mechanics of good character, another eleven as convicts of useful avocations not under punishment, and there were forty-four under sentence and of bad character and incorrigible conduct. There were also eight females convicts, and the necessary stores.⁸⁷

According to Cuthbertson, the *Prince Leopold* 'parted company' on 17 December, and six days later he still had no details of the location of the brig, aboard which were the sawyers, and without whose assistance he felt the erection of public buildings would be considerably retarded.⁸⁸ According to Kelly's biographer, K.M. Bowden, the *Prince Leopold* was 'driven so far north' that it had to sail 'right round Van Diemen's Land and approach the harbour from the north before an entrance could be made'.⁸⁹ Thomas Lempriere, an early correspondent who arrived in Van Diemen's Land in 1823, spent two years as a merchant. He later served in the

⁸⁶ HRA III, iii p.392 Sorell to Macquarie, 3 May 1819 'private' despatch *Prince Leopold* 'draws too much Water for admitting of her going into Macquarie Harbour'.

⁸⁷ HRA III, iv pp.43-4 Sorell to Goulburn, 13 December 1821. Fifteen convict women sent to Macquarie Harbour in the early years have been identified: Sarah Griffin, Margaret Morgan, Mary O'Hara, Margaret Keefe, Mary Ann Furze, Margaret Graham, Judith Chambers, Mary Ann Corbett/Cahill/Delany, Mary Revlett, Elizabeth Slater, Isabella Hammill, Elizabeth Gould, Elizabeth Bannister, Maria Allen and Jane Davis (nee Cropper), see I. Schaffer, 'The Forgotten Women Convicts of Macquarie Harbour', *Genealogical Society of Tasmania, Tasmanian Ancestry*, 18,2 (September, 1997), p.95. See further P. Tardif, *Notorious Strumpets and Dangerous Girls: Convict Women in Van Diemen's Land 1803-1829* (North Ryde, 1990). 'Waddy' sometimes spelt 'Waddie'.

⁸⁸ HRA III, iii p.xiii; HRA III, iii p.937 n5; HRA III, iv pp.43-4 Sorell to Goulburn, 13 December 1821; *HTG* 9 February 1822 p.1, col. 1.

commissariat and supplied a different version. One of the brigs ‘from contrary winds, or other causes’, reached the coast of New Holland and after some delay returned to Hobart Town.⁹⁰ To further confuse the matter, according to Ian Brand in his book *Sarah Island*, as the *Prince Leopold* had been blown north it had to call at Port Dalrymple for provisions, and left again for Macquarie Harbour on 10 February 1822.⁹¹ This version is similar to that provided by the historian R.W. Giblin.⁹²

The *Sophia*, because of its narrow draft, was only able to negotiate the narrow passage after being unloaded; and once across the sand bar it was reloaded and made its way to Sarah Island. After a thorough examination, Cuthbertson decided on the most suitable spot for the settlement. It was Sarah Island, about twenty-five miles from the heads, separated by about half a mile from ‘The Small Island’,⁹³ otherwise known as Grunnet Island, on which the female prisoners were first placed.⁹⁴ Despite the loss of the brig and the absence of the appointed acting store-keeper Waddy, Cuthbertson noted that until the end of January his time had been principally taken up in organizing the erection of the store-house, and the disembarking of the equipment and supplies, which he was happy to report were in good condition despite very rough and rainy weather during landing. In his report, Evans advised that when the wind blew from the east it was impossible for vessels to enter the

⁸⁹ Bowden, *Captain James Kelly*, p.59.

⁹⁰ T.J. Lempriere, *The Penal Settlements of Van Diemen’s Land. Macquarie Harbour, Maria Island and Tasman’s Peninsula*. First published 1839. Facsimile edition (Launceston 1954), p.10.

⁹¹ Brand, *Sarah Island*, p.20.

⁹² Giblin, *Early History of Tasmania II*, p.347.

⁹³ Lempriere, *Penal Settlements of Van Diemen’s Land*, p.30.

⁹⁴ Lempriere, *Penal Settlements of Van Diemen’s Land*, p.10; Bowden, *Captain James Kelly*, p.59; Brand, *Sarah Island*, p.20. Sarah Island was named after Birch’s wife, see West *The History of Tasmania*, p.395.

harbour; but he felt that as a place of secondary transportation there was the certainty that those who were sent would have no communication with the eastern side of the island. The harbour was so closed in by the surrounding rugged, closely wooded country, that escape by land was next to impossible.⁹⁵

Six months after arrival, Cuthbertson had the settlement in reasonably progressive circumstances. The buildings were situated on Sarah Island, where quarters for the commandant and the doctor, a barrack for the soldiers, and also a hospital which contained two wards, a dispensary and a dead-house had been erected. According to the 1821-22 Muster, some of the women were 'in the hospital' and some were also later recorded as not doing their hospital duties.⁹⁶ A store and a building large enough to house the convicts had also been completed, and some land had been cleared for wheat and vegetables. Before cells were built, solitary confinement for the worst characters was accomplished by banishment to the Small Island, which, according to Lempriere, was just large enough to 'admit on its summit a single building divided into two rooms with a cook-house at one end'.⁹⁷

On the island there was no water or wood, both of which were transported daily from the mainland. The worst wood was sent, because if it had been capable of floating, it would have been used to build rafts and subsequently as a means of escape. Surgeon John Barnes, who was at Macquarie Harbour around 1827, reported that the prisoners left each morning for the mainland where they pursued their toil, while

⁹⁵ *HTG* 9 February 1822 p.1, col. 1-3.

those who were separated for more severe punishment were lodged on a rock.⁹⁸

In 1856, James Bonwick recorded that the convict dead were interred on Halliday's Island, so named after the first man buried, and the free were buried on Settlement Island.⁹⁹

Throughout the colony the removal of re-offending criminals from the settled districts made it easier to control the less dangerous classes remaining, a fact proved by the comparative freedom from bushranging that followed the transfer, relief which lasted to the end of Sorell's rule. The first attempt at escape from Macquarie Harbour was just two months after its establishment, when eight men eluded their guards and made an attempt to flee through the barriers of dense bush and mountains to the settled districts. Two soldiers and three selected convicts went in pursuit, but neither they nor the eight escapees were heard of again.¹⁰⁰

Modern historians Hamish Maxwell-Stewart and Ian Duffield argue that the convicts' own understanding of religion played an important part in enabling penal station convicts to adjust to the experience of re-transportation. On his own initiative, Corporal Waddy of the 48th Regiment set up a small Methodist Class¹⁰¹

⁹⁶ Schaffer, 'The Forgotten Women Convicts of Macquarie Harbour', *Tasmanian Ancestry*, 18.2, p.95.

⁹⁷ Lempriere, *The Penal Settlements of Van Diemen's Land*, p.30.

⁹⁸ Lempriere, *The Penal Settlements of Van Diemen's Land*, pp.10, 30, 32; Schaffer, 'The Forgotten Women Convicts of Macquarie Harbour', *Tasmanian Ancestry*, 18.2 p.95. Barnes reported to a Select Committee of the British Parliament, see Brand, *Sarah Island*, p.20 and West, *The History of Tasmania*, p.396, p.655, n160.

⁹⁹ J Bonwick, *The Bushrangers; illustrating the early days of Van Diemen's Land*. First published 1856. Facsimile edition (Hobart, 1967), p.20.

¹⁰⁰ Giblin, *Early History of Tasmania 11*, p.347.

¹⁰¹ A Methodist class is a formally structured group with an appointed leader and rules which aim to provide both spiritual guidance and inculcate a sense of belonging. See D. Wright and E. Clancy, *The*

shortly after the foundation of the settlement, and by September 1823 he had enrolled seventeen convicts into his meeting group at a time when the total Wesleyan membership for all other Van Demonian classes combined, was just twenty-eight.¹⁰² After Waddy's departure for India later in 1823, Sorell attempted to induce John Hutchinson, a Wesleyan lay preacher, to combine the vacant missionary post at Macquarie Harbour with the office of Station Superintendent. Unfortunately for Sorell, Hutchinson declined the offer and moved to Sydney, and in the absence of a suitable (that is, free) evangelist the Macquarie Harbour class was shut down by its parent organisation in Hobart Town. Maxwell-Stewart and Duffield consider that such was the 'appalling reputation of the penal station' that it was not until 1828 that the London Missionary Society could persuade a replacement to step into Waddy's shoes, and then with 'only a certain amount of local leveraging'.¹⁰³

The historian A.G.L. Shaw's description of the geography of the penal settlement was one of 'impenetrable forests and rocky mountain-tops wrapped in mist and often capped with snow', which often cut it off from the rest of the colony.¹⁰⁴ He thought that Macquarie Harbour's narrow and treacherous entrance through Hell's Gates

Methodists: A History of Methodism in NSW (Sydney, 1993), p.77 cited H. Maxwell-Stewart and I. Duffield, 'Beyond Hell's Gates: Religion at Macquarie Harbour Penal Station', *Centre for Tasmanian Historical Studies*, University of Tasmania, 5.2 1997, p.84.

¹⁰² M.E.J. Stansall et al, *Tasmanian Methodism 1820-1975* (Hobart, 1975), p.15, Minute book of quarterly meetings of Hobart Town circuit 11, 30 June 1823 and 30 September 1823, AOT NS 499 118, cited Maxwell-Stewart & Duffield, 'Beyond Hell's Gates', *CTHS* 5.2 (1997), p 84.

¹⁰³ Maxwell-Stewart & Duffield, 'Beyond Hell's Gates', *CTHS* 5.2, pp.83-5. A.M. Grocott, *Convicts, Clergymen and Churches*, p.133 & Schedule (members roll) of Hobart Town Circuits (including all other areas of the state), 31 December 1823, AOT NS 499 215, cited Maxwell-Stewart & Duffield, p.84. See also for history of Wesleyan religion at Macquarie Harbour.

¹⁰⁴ A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London, 1966), p.210.

made 'a fitting climax to the cold and stormy voyage' from Hobart Town.¹⁰⁵

The west coast is still recognized for its numerous rainy days; in winter it is often lashed by fierce south-westerly storms, situations which must have added to the horrors for the convicts who were transported there.

Shaw also thought it unlikely that the convicts would appreciate the 'giant century-old eucalyptus, over a hundred feet high, or the great beauty of the foliage on the rare days when the sun was shining'.¹⁰⁶ He thought that they would only regard it as being a place where 'crops would not grow and animals would not live, where the gloom of everlasting cloud and incessant rain dampened their spirits and lowered their vitality, worn by toil and hardship'.¹⁰⁷ Macquarie Harbour was a place of punishment for 1,153 prisoners during its ten years existence. Shaw notes that after Arthur sent a Wesleyan missionary to the 'moral desert', punishments fell off by two-thirds, possibly as a result of his ministrations.¹⁰⁸ Macquarie Harbour was a penal station for only two years under Sorell's command before he was replaced by Arthur, during which time Sorell tried with all means available to him to encourage a sense of moral well-being. His initial instructions to Cuthbertson were for the Chaplain to distribute bibles, testaments and prayer books, but despite Waddy's establishment of the small Methodist Class early in 1822, Sorell failed to induce a Wesleyan lay preacher to reside at Macquarie Harbour.

¹⁰⁵ Shaw, *Convicts and the Colonies*, p.210.

¹⁰⁶ Shaw, *Convicts and the Colonies*, p.210.

¹⁰⁷ Shaw, *Convicts and the Colonies*, p.210.

¹⁰⁸ Shaw, *Convicts and the Colonies*, pp.210-11.

There was a tragedy at the settlement in 1823 when the first Commandant and six men died. A small schooner, the *Governor Sorell*, the first ship built at the settlement and built by convicts, dragged its anchor in stormy weather when a gale blew up on 23 or 24 December, and was in danger of being grounded when Cuthbertson, along with some other men, went to its assistance in a whaleboat and worked her across the bar into the river. On their return to Sarah Island, the whaleboat was upset in the heavy surf on the sand bar, and Cuthbertson and six others drowned. Cuthbertson's body was found a few days later, and interred with as much ceremony as the trifling means of the settlement would allow at the 'cemetery of the free' on the northern extremity of the island. After the temporary burial on Sarah Island, his body was re-buried on 19 April 1824 in St. David's Burial Ground in Hobart Town, where a monument recorded his 'services and melancholy end'.¹⁰⁹

At the time of his death, Cuthbertson was on the verge of rejoining his corps with the expectation of immediate promotion, and so his replacement had already been decided. On 8 December 1823, under the authority of Macquarie's successor, Governor-in-Chief Sir Thomas Brisbane, Lieutenant Samuel Wright of the 3rd Infantry (Buffs) was appointed. During the administration of Wright, the settlement made some progress and a farm was commenced on the mainland, but as with the whole of the settlement's existence, a shortage of food plagued the settlement.¹¹⁰

¹⁰⁹ Brand, *Sarah Island*, p.21; Giblin, *Early History of Tasmania 11*, p.348, Lord, *Inscriptions in Stone*, p.178; Lempriere, *The Penal Settlements of Van Diemen's Land*, pp.11-12, 30; HTG 2 January 1824 p.1, col. 1 Government & General Orders; HRA III, iv p.293 Colonial Revenue list for quarter ending 30 September 1824 detailing funeral expenses of £2.14.4 paid to J. Dunn Enclosure No. 1 in HRA III, iv pp.284-298 Arthur to Bathurst, 3 July 1825.

¹¹⁰ HTG Government & General Orders, 13 December 1823 p.1, col. 1; Lempriere, *The Penal Settlements of Van Diemen's Land*, pp.12-13-Brand, *Sarah Island*, p.21.

In his long report to Arthur at the close of his administration, Sorell detailed conditions at Macquarie Harbour. He believed the penal station had fully answered the purpose as a 'Place of rigid Penal restraint and coercion',¹¹¹ and navigation to the harbour for two and a half years had suffered no interruption or accident. Sorell thought that the productive labour and military security at Macquarie Harbour could not be carried much beyond two hundred convicts. It was also a serious evil to be burdened with so many convicts being sent from New South Wales for Macquarie Harbour. At the time he also warned Arthur that 'about twenty Runaways' had been sent from New South Wales and were on their way to Hobart Town under orders from Governor Brisbane that they be forwarded to Macquarie Harbour.¹¹²

Sorell thought that a solution might be to establish a larger penal settlement to which criminals subjected to 'long sentences of Ultra Transportation',¹¹³ could be sent, in the event of which, Macquarie Harbour could then be used as a local penal settlement of limited extent, which might be adequate for the offenders of short sentences from Van Diemen's Land.¹¹⁴ It is therefore clear that at least as early as June 1824 Sorell realized that Macquarie Harbour had reached its optimum population of convicts. He was expressing his concern over the arrival of

¹¹¹ *HRA* III, iv p.143 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.133-154 Arthur to Bathurst, 9 June 1824.

¹¹² *HRA* III, iv pp.150-1 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.133-154 Arthur to Bathurst, 9 June 1824.

¹¹³ *HRA* III, iv p.151 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.133-154 Arthur to Bathurst, 9 June 1824.

¹¹⁴ *HRA* III, iv pp.150-1 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.133-154 Arthur to Bathurst, 9 June 1824. *HRA* III, iv pp.583-4 Sorell to Horton, 30 November 1824, there were seventy runaways. Forsyth, *Governor George Arthur*, p.105 shows 181 convicts in 1822 and

secondarily convicted men from Sydney who had been forwarded under orders from Brisbane that they be sent to Macquarie Harbour, and he was also suggesting a solution to the problem.¹¹⁵

It was also Sorell's belief, that at Macquarie Harbour security against escape was nearly perfect under a rigid system of 'Prevention as to Provisions'. Bread was issued daily, and an accumulation of flour 'carefully guarded', and he had ordered the commandant to cultivate sufficient grain for the settlement.¹¹⁶ By 1824 a tannery had been established, to where hides and kangaroo skins were sent from Hobart Town in a raw state, and after tanning with the bark of the celery top pine, boots and shoes were made, and the remaining tanned hides were returned to Hobart Town. Sorell thought the reason that coal had not been found was from a lack of scientific research, while timber, which was abundant and of the 'finest quality', was the only commodity being transported. While limestone was in great quantity, access was not satisfactory for large vessels, and the two government-owned vessels were too small, and therefore, not adequate to transport the limestone. He had also made enquiries with the aim of finding an anchorage outside the bar to try to encourage private vessels to collect timber, and the commandant had been directed to raft several hundred logs to where the pilot was stationed. A breakwater was under consideration, and the explorer James Hobbs¹¹⁷ had been instructed to ascertain, in

262 in 1824. The Captain, *Inhumanity: Historical Tales of Old Convict days from Millbank Prison (England) to Norfolk Island, Macquarie Harbour, Port Arthur* (Hobart, 1932), p.76 average of 350.

¹¹⁵ *HRA* III, iv pp.163-4 Enclosure No. 1 in *HRA* III, iv pp.161-4 Arthur to Bathurst, 15 August 1824. The 1823 General Muster lists a population of 250 people at Macquarie Harbour.

¹¹⁶ *HRA* III, iv p.151 Sorell to Arthur 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.133-154 Arthur to Bathurst, 9 June 1824.

¹¹⁷ See Pike (General editor), *ADB* Volume 1 pp.542-3 for more information on James Hobbs.

conjunction with the commandant, the practicability of forming a secure anchorage. Boat building was to be an important activity, and a fine schooner which had been built at Macquarie Harbour sold for £400. Similarly, timber which had been cut at Macquarie Harbour and transported to Hobart Town had been sold by auction.¹¹⁸

Only a month after taking command, Arthur expressed his belief in a 'rigid course of discipline, strictly and systematically enforced at the penal settlement'.¹¹⁹ He noted that he was not able to find any copy of instructions which had been issued by Sorell for Lieutenant Wright's direction. However, as previously detailed in Sorell's report on the settlement at Macquarie Harbour, it is clear that Sorell had given instructions (whether verbal or written is unclear), to Wright about timber exports, security of provisions which discouraged escape, and orders regarding cultivation of grain for the settlement. Arthur supplied instructions to Wright on 25 June, 17 July and 12 August 1824¹²⁰ regarding the control of convicts, in which he stated that the main object and design of the settlement was to allow his discipline to be seasoned with humanity, but Wright was not to lose sight of a continued, rigid, unrelaxing discipline and he was always to find work and labour, even if it only consisted 'in opening Cavities and filling them up again'.¹²¹

¹¹⁸ Lempriere, *The Penal Settlements of Van Diemen's Land*, p.42; *HRA* III, iv pp.150-1 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.133-154 Arthur to Bathurst, 9 June 1824.

¹¹⁹ *HRA* III, v p.630 Arthur to Wright, 16 June 1824.

¹²⁰ *HRA* III, v pp.631-2 Arthur to Wright, 25 June 1824 Sub-enclosure F in pp.619-651 Arthur to Bathurst, 23 March 1827; *HRA* III, v p.632-3 Arthur to Wright, 17 July 1824 Sub-enclosure G in pp.619-651 Arthur to Bathurst, 23 March 1827 *HRA* III, v pp.633-4 Arthur to Wright, 12 August 1824 Sub-enclosure I in pp.619-651 Arthur to Bathurst, 23 March 1827.

¹²¹ *HRA* III, v p.631 Arthur to Wright, 16 June 1824 Sub-enclosure D in pp.619-651 Arthur to Bathurst, 23 March 1827.

Doubly convicted felons were still sent from New South Wales to the penal settlement at Macquarie Harbour until 1825. Crowded conditions and an oversupply of labour rendered the situation impractical, and the distance from New South Wales greatly increased expenses. On 27 February 1825, a government vessel was sent with a detachment to form a penal settlement at Maria Island on the east coast of Van Diemen's Land, under the command of Lieutenant Murdoch.¹²² The sand bar at the mouth of Macquarie Harbour had been problematic since the settlement's early days, and over time as it filled up it rendered access by sea dangerous. In 1833, Macquarie Harbour was abandoned for Port Arthur.

When Sorell arrived in Van Diemen's Land in 1817, there were only 400 convicts at the Derwent, half of whom were employed by the government, seventy were assigned, ninety others were rationed on the store in the private service of government officers, and the remaining forty had tickets-of-leave. The shortage dramatically improved by 1820, and at the time of his departure in 1824, the European population was approximately 12,500,¹²³ a little over half of whom were convicts, consisting of 5,700 males and 444 females. Nine females and 584 males had a ticket-of-leave, and those with either a free or conditional pardon totalled 187 males and no females.¹²⁴

¹²² *HRA* III, iv p.873, n68.

¹²³ A McKay, *The Assignment System of Convict Labour in VDL 1824-42*, unpublished Master of Arts thesis. University of Tasmania, 1958, p.19; Edwards, *Of Yesteryear and Nowadays*, p.79.

¹²⁴ *Statistical Returns of Van Diemen's Land: From 1824 to 1839, compiled from official records in the Colonial Secretary's Office* (Hobart Town, 1839), Table 36.

It does not appear that Sorell revoked assignment to settlers as an aspect of control in his system. According to Humphrey, Superintendent of Police, there were very few complaints from servants against their masters for non-payment of wages, insufficient clothing, or for severe treatment. He thought the reason was because the masters had plenty of animal food and grain, and they were generally inclined to treat their men well.¹²⁵ Great progress was made during Sorell's administration, a positive system for the management of convicts was introduced, the prisoners were employed as servants to settlers or as labourers on public works; and as the settlement extended, roads and bridges were constructed, and a steady tide of immigration expanded the bounds of settlement. A comparison of the system of recording convicts in New South Wales with that of Van Diemen's Land, demonstrates the New South Wales system was not as thorough as that instituted by Sorell. In New South Wales the office of the Principal Superintendent of Convicts was not set up until the leadership of Governor Ralph Darling,¹²⁶ where the information on each convict was not recorded in one place. Office registers were kept of punishments inflicted by the various courts, and to enable a check to be made, a number of registers had to be consulted, which became a time-consuming process.¹²⁷

The assignment of convicts to private service had first been sanctioned by the instructions given to Governor Phillip in 1789 following his recommendation of the

¹²⁵ *HRA* III, iii p.281 Humphrey to Bigge, 13 March 1820.

¹²⁶ J.B. Hirst, *Convict society and its enemies: A history of early New South Wales* (North Sydney, 1983), p.91.

probable value of their labour to free settlers.¹²⁸ In February 1820, there were 274 assigned servants at George Town and its surrounding districts.¹²⁹ As it has been shown, although operating under difficult circumstances,¹³⁰ a problem which was also to hinder his successor, on departure in 1824, Sorell left an operating assignment system for Arthur, which was approved by Bigge who noted the great 'degree of method and regularity' in the regulation of the convicts and Sorell's 'system of perpetual reference and general control' which had been useful in the detection of crime.¹³¹

Sorell had inherited limited facilities for the reception of convicts, therefore creating overcrowding in what facilities were available, a situation which, according to Bigge was unfortunate. The convicts were obliged to provide themselves with lodgings in the town, which they either paid for by the 'produce of their labour in their extra time, or by domestic services performed for their landlords'.¹³² In July 1825 the situation had not improved, as Arthur was also critical of overcrowding.¹³³ Arthur, very conscious that he had been put in charge of a colony where the main purpose, for the British Government, was to be a large gaol, and the biggest single element of the population was an increasing body of convicts, paid particular attention to the administration of strict discipline in his thorough overhaul of the departments of

¹²⁷ Account of Record Branch in Report of Board . . on Principal Superintendent of Convicts, enclosure in Bourke to D.O. 2 May 1834 CO 201/29 cited in Hirst, *Convict society and its enemies*, p.91.

¹²⁸ 31 October 1800 in New South Wales, General Orders & Proclamations, safe 1/87 Mitchell Library Sydney cited F. Crowley, *A Documentary History of Australia Volume 1 1788-1840*, (West Melbourne, 1980), pp.96-8.

¹²⁹ *HRA* III, iii p.722 Nominal List of Crown Prisoners, 19 February 1820.

¹³⁰ One such circumstance was the lack of reliable information about convicts, see Appendix B.

¹³¹ Bigge, *The Bigge Reports Volume 1*, p.19.

¹³² Bigge, *The Bigge Reports Volume 1*, p.20.

government.¹³⁴ His reorganization also impacted on the increasing numbers of free settlers arriving, the native-born, and also the convicts who were free by servitude.

¹³³ *HRA* iii, iv p.284 Arthur to Bathurst, 3 July 1825.

¹³⁴ Eldershaw, *Guide to the Public Records of Tasmania, Convict Department*, p.3.

CHAPTER 5

LAND MANAGEMENT

Contrasts existed between William Sorell, Lachlan Macquarie and George Arthur in their approaches to, and control of, free settlers. At Sydney, a principle of equality of opportunity for ex-convicts was the hallmark of Macquarie's administration; whereas in Van Diemen's Land, Sorell's successor, George Arthur, treated both the settlers and convicts severely, and he expected the free settlers to be role models for the convicts. In contrast, one of Sorell's paramount aims was to encourage free settler migration, not merely to employ convicts, but also to promote civic industry and social growth.¹

Meanwhile, according to the historian John West, as a later representative of the Crown, Arthur was remote from the colonists in their 'sympathies and ultimate views. Employed not to build up a free community of Englishmen, but to hold in check the criminality of an empire', to Arthur:

the settlement was an institution requisite to the effective execution of penal laws. Such he found it: such he desired to mould its growth, *and to prolong its destination*. Thus, except in the capacity of employers, he regretted the arrival of free men, and warned the ministers of the crown, that by their encouragement of emigration, they were destroying the value of bond labour, the dependence of the settlers, and the adaptation of the island for the purposes of a prison.

¹ H. Melville, *The History of Van Diemen's Land from the year 1824 to 1835 inclusive during the administration of Lieutenant-Governor George Arthur*. First published in book form London, Smith and Elder, 1825. G. Mackaness (editor) (Sydney, 1965), p.16.

The settlers were expected to stay at home, to keep their servants in custody, to denounce their infractions of penal rule, and as the 'materials of prison discipline', (so they were denominated) to carry out a judicial sentence.²

Settlers knew before they emigrated, that they 'must sacrifice British rights, and with the political or social influence of transportation, beyond their own fences, they had no concern'.³

To follow a popular predecessor is at all times hazardous. According to Melville, any man who followed Sorell was certain to be placed in an unenviable situation, and it was evident that Arthur did not seek popularity. He had been appointed to rule, and considered he was only answerable to Britain for his conduct.⁴ The contrast with Sorell's style is important, as historiographically, it has affected appraisals of Sorell which were inevitably influenced by Arthur's subsequent administration. Arthur considered the settlement of free settlers:

subsidiary to the control and reform of the transported offender: their claims, their duties, and their political rights were, in his view, determined by their peculiar position. They were auxiliaries hired by royal bounties, to co-operate with the great machinery of punishment and reformation.⁵

According to contemporaries, some of whom were subsequently opposed to Arthur, Sorell was very popular, he was easily accessible to the inhabitants, and his desire to please every individual added to his popularity:

with him there was no austerity, no wish to have favors begged: on the contrary, to ask was to have, if it was in Colonel Sorell's power to grant, and few applicants ever heard him express the monosyllable 'no!'⁶

² J. West, *The History of Tasmania*. A.G.L. Shaw edition. (Sydney, 1981), p.138.

³ West, *The History of Tasmania*, p.138.

⁴ Melville, *The History of Van Diemen's Land*, p.27.

⁵ See Arthur's publications, *Observations upon Secondary Punishments* (Hobart, 1835), and *Defence of Transportation* (London and Hobart 1835) cited West, *The History of Tasmania*, p.138.

⁶ Melville, *The History of Van Diemen's Land*, p.21.

As already shown, Sorell initiated a system of management over the convicts, but he pursued a role of entrepreneurial facilitator to the free settlers, which goes far in explaining his popularity. Whilst he maintained registers on the free population also, they were less detailed than those he kept on the convicts. They were similar to a census, and possibly used primarily more as a directory of the free population, than as a means of control. Sorell welcomed new settlers, and soon after their arrival, organized for land to be surveyed on which they could settle. He also accompanied Deputy-Surveyor George Evans on survey, and they explored the area between the Cross Marsh and the Shannon and Clyde Rivers about thirty-six miles north of Hobart Town. About the same time he directed that the area between the eastern side of the north-south road which led to Port Dalrymple and the east coast to be explored, especially the area around Swan Port. As a result of that exploration, good anchorage was found in Oyster Bay, and the Break-of-Day Plains were discovered.⁷

In Britain, a succession of publications drew attention to the capabilities of Van Diemen's Land and 'contained [a] theory of pastoral increase - a progression towards wealth'.⁸ In October 1814 Macquarie expressed his opinion that Van Diemen's Land

⁷ See *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania January-December 1820* (Sydney, 1821), p.544 for examples of registers. J.T. Bigge, *The Bigge Reports Volume 3. Report of the Commission of Inquiry on the State of Agriculture and Trade in the colony of New South Wales 1823* Facsimile edition (Adelaide, 1966), pp.30-1.

⁸ Publications: W.C. Wentworth, *Statistical, Historical and Political Description of The Colony of New South Wales, and its dependent Settlements in Van Diemen's Land: with a particular enumeration of the advantages which these colonies offer for emigration, and their superiority in many respects over those possessed by the United States of America*. (London, 1819) Facsimile reprint (Adelaide, 1978); C Jeffreys, *Van Diemen's Land. Geographical and descriptive delineations of the island of Van Diemen's Land* (London, 1820), J Dixon, *Narrative of a voyage to New South Wales and Van Diemen's Land in the Ship Skelton during the year 1820 with observations on the*

had a finer climate and richer and better soil than New South Wales, and as a result it was reasonable to encourage industrious Britons to emigrate as free settlers.⁹

According to John West, in Van Diemen's Land the total area of land granted between 1818 and 1821 rose from 25,000 acres¹⁰ to 273,000 acres, the area in cultivation from 5,080 to 15,005 acres, and the European population from 3,557 to 7,360.¹¹ Six hundred settlers arrived at the Derwent River in 1822 and the capital they invested gave new prosperity to the colony. The following year the area granted peaked at a massive 447,406 acres,¹² and by 1825 all the best tracts in the settled

state of these colonies, and a variety of information, calculated to be useful to emigrants. By James Dixon, commander of the Skelton with an appendix, containing Governor Mc Quarie's Report regarding Van Diemen's Land, Tables of the population, List of Articles Suitable for Exportation etc. etc. (Edinburgh and London, 1822) Facsimile Edition (Hobart, 1990); G.W. Evans, *A Geographical, Historical, and Topographical Description of Van Diemen's Land, with important Hints to Emigrants, and useful information respecting the application for grants of land; together with a list of the most necessary articles for persons to take out. Embellished by a correct view of Hobart Town; also, a large chart of the island, Thirty inches by twenty-four, with the soundings of the harbours and rivers, and in which the various grants of land are accurately laid down.* (London, 1822) Facsimile reprint (Melbourne, 1967); Thomas Reid, *Two Voyages to New South Wales and Van Diemen's Land, with a description of the present condition of that interesting Colony: including facts and observations relative to the state and management of Convicts of Both Sexes. Also Reflections of Seduction and its General Consequences.* (London, 1822); T Godwin, *Godwin's Emigrant Guide to Van Diemen's Land, more properly called Tasmania, containing A Description of its climate, soil and production; A Form of Application for Free grants of Land; with a scale enabling persons in inland towns, to estimate the expense of a passage for any given number of men, women or children, A List of the most necessary Articles to take out, and other information Useful to Emigrants* (London, 1823), Facsimile Edition (Hobart, 1990); E Curr, *An Account of the Colony of Van Diemen's Land: principally designed for the use of emigrants* (London, 1824) Facsimile Reproduction (Hobart, 1967). J.T. Bigge *The Bigge Reports Volume 1. Report of the Commission of Inquiry into the State of the Colony of New South Wales 1822.* Facsimile edition (Adelaide, 1966); J.T. Bigge *The Bigge Reports Volume 2. Report of the Commission of Inquiry on the Judicial establishment of New South Wales and Van Diemen's Land, 1823.* Facsimile edition (Adelaide, 1966); Bigge, *Report 3 Agriculture & Trade; Quarterly Review* May 1820, xxiii pp.73-83 cited West, *The History of Tasmania*, p.59.

⁹ West, *The History of Tasmania*, pp.59-60; *Historical Records of Australia Series I Governors' Despatches to and from England. Volume viii. July 1813-December 1815.* (Sydney, 1916), p.306.

¹⁰ Conversion (approximately) 1 acre = 0.405 ha (4050 m²).

¹¹ West, *The History of Tasmania*, pp.59-60, 90; HRA I, viii p.306 Macquarie to Bathurst, 7 October 1814.

¹² AOT LSD 354.

districts had been located to settlers.¹³ At the end of Sorell's term, the European population in the colony was 12,303 and the Aboriginal population was officially estimated at 340.¹⁴ See Table 5:1 for the area of land granted, number of grants issued and the average size of each grant each year between 1815 and 1827, thereby overlapping Sorell's term of administration. The effects of the increase in granted land on the Aboriginal population will be analyzed in Chapter 7.

Even though there was a rapid increase in grants, not all land was actually used for settlement. A spirit of speculation crept in, many regarded profitable investment as a right, and people who had no intention of using the soil availed themselves of the privilege of selecting a grant, no provision having been made by the authorities to render occupation compulsory. In 1817, approximately 17,300 acres¹⁵ were granted to 108 grantees, 106 of whom received their grants on 1 January, and the other two on 24 March; therefore all grants in 1817 were made before Sorell's arrival. During 1818 he distributed approximately 5,790 acres to forty settlers, some of the grants were small areas, one was 3 roods 2 perches near the centre of Hobart Town granted to James Lord. In 1819 Sorell allocated 4,400 acres in six grants,¹⁶ and by 1823 the

¹³ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825* (Sydney, 1921), pp.311-2 Arthur to Bathurst, 10 August 1825

¹⁴ For population see H.M. Hull, *Statistical Summary of Tasmania from the year 1816 to-1865 inclusive. Compiled from government gazettes, blue books and statistical tables.* (Hobart Town, 1866), p.3 and *Statistical Account of Van Diemen's Land, or Tasmania: From the date of its first occupation by the British nation in 1804 to the end of the year 1823.* Compiled from official records in the office of the Colonial secretary by Hugh M Hull, and published by order of His Excellency H.E.F. Young KNT Gov.-in-chief of Tasmania (Hobart Town, 1856), Table 17. The figure of 340 for 1824 is probably an underestimate. See also Chapter 7, in particular see Table 7:1.

¹⁵ Conversions (approximate) 1 acre = 0.405 hectares (4050 m²), 1 rood = 1012.15 m², 1 perch = 25.3 m²

¹⁶ AO NSW SR 7/447 Colonial-Secretary's Registers of Land Grants and Leases.

exceedingly high total of 447,406 acres was divided between more one thousand settlers.¹⁷ This extraordinarily high figure requires separate analysis.

Table 5:1

Area of land granted, number of grants and the average size of each grant for the years 1815 to 1827 inclusive.

	<i>Acres granted approximately</i> ¹⁸	<i>Number of grants issued</i> ¹⁹	<i>Average size of grants (acres)</i>
1815	1370	2	685
1816	4000	9	444
1817	17300	108	160
1818	5790	40	145
1819	4400	6	733
1820	10090	63	160
1821	47180	116	407
1822	no grants	0	0
1823	447406	1027	436
1824	43420	72	603
1825	111939	279	401
1826	60270	109	553
1827	77286	83	931

Conversion (approximately): 1 acre = 0.405 hectare (4050 m²).

¹⁷ AOT LSD 354.

¹⁸ See S Morgan, *Land Settlement in Early Tasmania. Creating an Antipodean England*. (Carlton, 1992), p.166 for 1815 and p.168 for 1820-2; AO NSW SR 7/447 for 1816-19; LSD 354 for 1823; *Statistical Returns of Van Diemen's Land: From 1824 to 1839, compiled from official records in the Colonial Secretary's office*. (Hobart Town, 1839), Table 8 for 1824-26; Hull, *Statistical Summary of Tas. 1816-1865*, pp.1-8 for 1827.

¹⁹ See Morgan, *Land Settlement in Early Tasmania*, p.13 for 1815-16, 1820-22; See AO NSW SR 7/447 for 1817-19; See LSD 354 for 1823; See *Statistical Returns of Van Diemen's Land from 1824 to 1839* Table 8 for 1824-27.

ANALYSIS OF THE CONCENTRATION OF LAND GRANTS

One practical reason for this very high figure might be Sorell's awareness of his impending recall, which resulted in his initiation of the registration of land which was already occupied by settlers. This might not be the only explanation, as in a despatch dated 1 March 1823, Sorell reminded Colonial-Secretary Goulburn that 'no grant for any land ordered in Van Diemen's Land since November 1820', and consequently no grant he had therefore ordered during that time, had been received.²⁰ Frederick Watson, editor of *Historical Records of Australia* writing in 1921, found it difficult to explain Sorell's statement, as Watson found that grants in Van Diemen's Land issued by Macquarie had been recorded in the office of the Registrar-General in Sydney. One hundred and forty-eight grants issued between 31 December 1820 and 15 October 1821 were registered between 31 March 1821 and 15 November 1821. As well as these registrations there was one whole volume of grants and 110 in another volume which were all dated and registered in Sydney on 30 June 1823. Watson thought it probable that Sorell's despatch to Goulburn was written on 1 March 1824 after he received notice of his recall, and not 1823, but such explanation would not justify why the fully completed grants were detained in Sydney.²¹

An explanation for the detention of the completed land grant deed forms in Sydney between 1820 and November 1825 is given by Henry Emmett, Chief Clerk in the Colonial Secretary's office. On 28 March 1829 Emmett claimed a 10s 0d fee for the issue of every grant of land and every grant or lease of a town allotment to pay for

²⁰ *HRA* III, iv p.69 Sorell to Goulburn, 1 March 1823.

the supply of parchment on which to print the grants. He explained that it had been the custom since 1820 to print the instruments on parchment 'in consequence of the mutilated condition in which the former Grants on paper generally appeared to be'.²² As the Government decided not to bear this expense, the parchment was supplied by the Chief Clerk in the Colonial Secretary's office, for which 'he charged the fee or sum of Ten shillings for each Grant'.²³ Emmett listed grants which were in the possession of Surveyor-General Oxley: 128 grants sent to Hobart Town, signed by Oxley and dated 20 December 1820; seventy grants signed by Oxley, sent to Hobart Town and dated 6 April 1821; seven grants not signed but dated at the Colonial Secretary's office Sydney on 25 August 1821; 107 signed by Oxley on 20 November 1821 and a further 1,009 signed by Major Goulburn, Colonial-Secretary of New South Wales on 1 September 1825.²⁴

Solicitor-General Stephens in his report on the land question dated 25 May 1830, also explained the only occasion on which any of the fees could be effectively and quickly enforced was on the intended delivery of documents, and documents were held in Sydney until all the fees were paid.²⁵ There was at least one precedent for the pre-1820 and pre-parchment detention of grants in Sydney. Three hundred and fifty-seven grants dated 20 September 1813 were registered in the secretary's office on 31

²¹ *HRA* III, iv p.864, n26.

²² CO 280/33 Reel 250 p.438 Sub-enclosure No. 7 in Solicitor-General Stephens' Report Arthur to Goderich of despatch No. 15, 18 February 1832.

²³ CO 280/33 Reel 250 p.438 Sub-enclosure No. 7 in Solicitor-General Stephens' Report Arthur to Goderich despatch No. 15, 18 February 1832.

²⁴ CO 280/33 Reel 250 p.438 Sub-enclosure No. 7 in Solicitor-General Stephens' Report Arthur to Goderich despatch No. 15, 18 February 1832.

July 1816, and not delivered to Van Diemen's Land until 1817.²⁶ Official statistics for 1824 show that seventy-two grantees received a total of 43,420 acres. In 1825, 111,939 acres were granted to 279 settlers and in 1826 the figure was 60,270 acres to 109 settlers.²⁷ See Figures 5:2 and 5:3 for a guide, and Figure 5:4 for a map showing the locations of grants.

Figure 5:2

Guide to location of land grants in the County of Cornwall.

COUNTY OF CORNWALL

Aa	BATH	(Jericho)
Bb	METHVEN	(Oatlands)
Cc	LENNOX	(Ross)
Dd	RICHMOND	(Campbell Town)
Ee	BATHURST	(Epping Forest)
Ff	LAKE RIVER	(Cressy)
Gg	NORFOLK PLAINS	(Longford)
Hh	SOUTH ESK	
Ii	NORTH ESK	
Jj	LAUNCESTON	
Kk	WESTERN RIVER	(Westbury)
Ll	GEORGE TOWN	
Mm	OYSTER BAY	(Swan Port)
	MORVEN	(North Esk)
	GORDON PLAINS	(Hamilton)
	BREADALBANE	

Source: Thelma McKay (editor), *Index to Early Land Grants Van Diemen's Land* (Kingston, 1991), p.vi. References: AOT *LSD 354* volumes 1-8; AOT *LSD 389* Thomas Scott's map c.1824. Reproduced with the editor's permission.

²⁵ CO 280/33 Reel 250 p.420, Enclosure No. 2 in Solicitor-General Stephens' Report Arthur to Goderich despatch No. 15, 18 February 1832.

²⁶ A.K. Weatherburn, *George William Evans: Explorer*. (Sydney, 1966), p.75; *HRA III*, iv p.864, n.26.

²⁷ *Statistical Returns of Van Diemen's Land from 1824 to 1839* Table No 8.

Figure 5:3

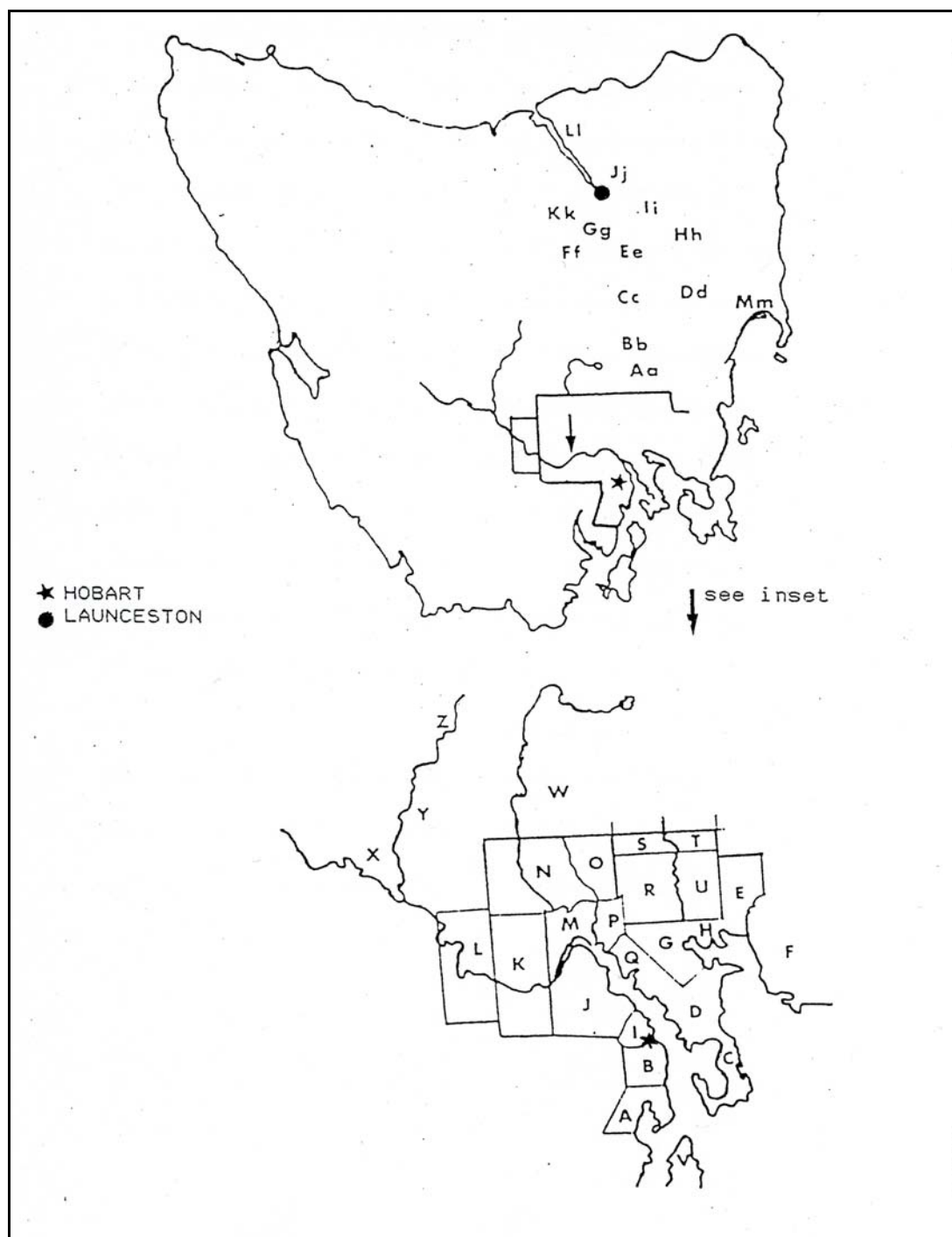
Guide to location of land grants in the County of Buckinghamshire.

COUNTY OF BUCKINGHAMSHIRE

A	KINGBORO'	(Browns River)
B	QUEENBORO'	(Sandy Bay)
C	YORK	(South Arm)
D	CLARENCE PLAINS	
E	GLOUCESTER	(Sorell)
F	SUSSEX	(Carlton)
G	CAMBRIDGE	
H	HARRINGTON	(Pittwater)
I	ARGYLE	(Hobart)
J	GLENORCHY	
K	NEW NORFOLK	
L	MACQUARIE	(Bushy Park)
M	MELVILLE	(Broadmarsh)
N	STRANGFORD	(Bagdad)
O	JARVIS	(Elderslie)
P	DRUMMOND	(Brighton)
Q	FORBES	(Risdon)
R	ULVA	(Tea Tree)
S	ORMAIG	(Colebrook)
T	STAFFA	(Levendale)
U	CALEDON	(Richmond)
V	PITT ISLAND	(Bruny Island)
W	GREEN PONDS	(Kempton)
X	SORELL	(Ouse)
Y	MURRAY	(Bothwell)
Z	AMHERST	(River Clyde)

Source: Thelma McKay (editor), *Index to Early Land Grants Van Diemen's Land* (Kingston, 1991), p.vi. References: AOT LSD 354 volumes 1-8; AOT LSD 389 Thomas Scott's map c.1824. Reproduced with the editor's permission.

Figure 5:4 Van Diemen's Land: indicating the locations of land grants.
 Source: Thelma McKay (editor), *Index to Early Land Grants Van Diemen's Land* (Kingston, 1991), p.vii. See previous Figures 5.2 and 5.3 for a guide to the symbols.
 Reproduced with the editor's permission.



PROSPERITY THROUGH PASTORAL ACTIVITY?

The striking consequence of this extensive granting of land was a period of prolonged pastoral growth. After 1810 sheep flocks increased rapidly, so that by 1817, only fourteen years after the first sheep had been imported into Van Diemen's Land, their numbers exceeded those in New South Wales. According to the 1818 Muster, the estimated number of sheep was 127,883; in 1819 it was stated to be 172,128, which was more than double the number in New South Wales, where sheep had been established for thirty years. The return of sheep at the 1820 Muster totalled 182,468 of the Teeswater breed with a slight mixture of Leicester and a few from Bengal.²⁸ In New South Wales in 1820 there were only 99,487 sheep, a mixture of Cape of Good Hope and the improved English, and where in 1821, there were 121,875. Sheep were shorn to help control scab, and until 1820 the wool was discarded. The earliest official records of use of the colony's wool was in 1820, when it was purchased for 3d per pound for stuffing mattresses, and in the same year, 2,300 pounds shorn from the government flock, were sent to Sydney.²⁹

During 1819 and 1820 adverse weather conditions in New South Wales made the supply of meat and grain precarious, and as market needs in New South Wales exceeded the quantity of wheat produced, it was imported from Van Diemen's Land,

²⁸ J.C. Garrahan & L. White, *Merinos, myths and Macarthurs. Australian graziers and their sheep 1788-1900* (Sydney, 1985), pp.58, 171; *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume x. January 1819-December 1822* (Sydney, 1817), p.287 Annual Muster, 12 November 1819; J.T. Bigge, *The Bigge Reports Volume 3. Report of the Commission of Inquiry on the State of Agriculture and Trade in the Colony of New South Wales, 1823* (Adelaide, 1966), pp.27-8.

²⁹ Bigge, *Report 3 Agriculture and Trade*, p.16.

some at 11s 0d and some at 12s 0d per bushel.³⁰ In 1819 exports from Van Diemen's Land consisted of potatoes which were reported to be equal to the best of English growth, 14,940 bushels of wheat, 3,620 kangaroo skins, 182 casks of salted meat, three tons of tallow, a quantity of tanned hides and some whale oil. In 1820, 44,000 pounds of salted meat were exported to Sydney, and the total value of exports from the colony in 1822 was £57,928, and in 1823 it was £24,734.³¹

In 1820 there were 28,828 cattle and 363 horses in Van Diemen's Land, and 6,293 acres of wheat were under cultivation in the County of Buckinghamshire, and 2,983 acres in the County of Cornwall. According to Commissioner Bigge, the grain that was produced in the colony was a greater size and heavier weight than that of New South Wales, and was not liable to the same ravages of fly-moth or weevil.³² In New South Wales the wheat was affected with smut in very dry seasons, the fly-moth was generated in the grain which came from the settled districts, and despite this loss, an even greater and more consistent loss of grain was from weevil devastation after the wheat was stacked. The seasons in Van Diemen's Land were more regular than New South Wales, the effect of blight or drought had very rarely been experienced, and on average for the five years to March 1820, the wheat yield was twenty-four bushels per acre and the quality was considered to be superior to that of New South Wales.³³ By the close of 1821 the 7,400 inhabitants of Van Diemen's Land possessed 35,000

³⁰ Bigge, *Report 3 Agriculture and Trade*, p.21.

³¹ Bigge, *Report 3 Agriculture and Trade*, pp.54, 90; H.M. Hull, *Statistical Summary of Tasmania from the year 1816 to 1865 inclusive. Compiled from government gazettes, blue books and statistical tables* (Hobart Town, 1866), p.6.

³² Bigge, *Report 3 Agriculture and Trade*, p.26.

³³ Bigge, *Report 3 Agriculture and Trade*, pp.19, 25.

cattle, 170,000 sheep, 550 horses and 5,000 swine.³⁴ By November the following year, the population had increased to 8,422, and the colony supported 41,863 cattle, the sheep numbers had dropped slightly to 165,208, and there were 7,354 swine.³⁵

Activity in the sheep industry was stimulated by reports of good prices of New South Wales wool on the London market. In a positive move to improve the quality of wool in Van Diemen's Land, Sorell imported merino ram lambs from John Macarthur's flock at Sydney. Recipients were settlers with over 200 ewes in their flock. Three hundred lambs left New South Wales on the *Eliza*, but due to unfavourable conditions, on 27 March 1820 only 209 landed, and shortly after, a further twenty-four died. Thirty-three settlers at the Derwent and ten settlers at Port Dalrymple shared the surviving sheep at the cost of £7 7s 0d each. Sheep owners had suddenly become interested in wool.³⁶

Sixty-five bales of wool containing 18,000 pounds of wool were exported to Britain by John Raine in 1820, and in 1822, 192,000 pounds of wool were exported from the colony. In quantity, this was comparable to exports from New South Wales, although the quality was inferior. Four years later there were nearly 700,000 sheep in Van Diemen's Land, which were the foundations of some of its finest studs. The

³⁴ J West, *The History of Tasmania*, A.G.L Shaw edition (Sydney, 1981), p.60; M Nicholls (ed.), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), p.347.

³⁵ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, p.380.

³⁶ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819* (Sydney, 1821), p.744 Sorell to Gordon, McCarty & Loane, 22 November 1819. See *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania January-December 1820* (Sydney, 1921), pp.684-5 for a list of those who received merino rams.

rapid increase of sheep was partly the result of natural advantages, incorporating large tracts of good pasture, well distributed adequate rainfall and generally reliable seasons.³⁷

SORELL'S POPULARITY

It is likely that Sorell's popularity was boosted by the growing prosperity of the colony through the economic boom in the pastoral industry, but it also clear that he was popular amongst all classes of society. Frequent congratulatory addresses show the feelings of those over whom he ruled. He was accepted by the more upright colonists as President of the Bible Society which was formed in 1819. In 1823, a Wesleyan Branch of the Missionary Society was formed, and in 1822 he founded the Agricultural Society.³⁸ As was his habit, Sorell attended the Agricultural Show at Market Place on 10 April 1824, and in the evening, the Agricultural Dinner at the *Ship Inn*. Perhaps an early disillusionment with Arthur is indicated by Knopwood's diary entry for 28 January 1825, in which he describes the succeeding Dinner at the *Ship Inn* as a very poor meeting where only twenty-one sat down for dinner whereas in 1824 there had been fifty, and many more would have attended had the room been

³⁷ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, p.405 The *Deveron* sailed 6 June 1823 with 100,000 lb. wool, several thousand skins and huon pine; *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825* Sydney, 1821), pp.433-6 Raine to Bathurst, 19 October 1822; *Statistical Tables of Van Diemen's Land or Tasmania: From the date of its first occupation by the British nation in 1804 to the end of the year 1823*. Compiled from official records in the office of the Colonial Secretary by Hugh M Hull, and published by order of His Excellency H.E.F. Young, KNT, Governor-in-Chief of Tasmania (Hobart Town, 1856), p.7.

³⁸ Melville, *The History of Van Diemen's Land*, pp.43, 188 n27; M Nicholls (ed.), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), pp.351-2; A Bent, *The Tasmanian Almanack for the year of Our Lord 1825* (Hobart Town, 1825), pp.50-1.

able to seat them.³⁹ Sorell was readily accessible to all settlers. He was accustomed to stroll about the front gate of Government House and chat pleasantly with those passing by, and was always pleased to listen to 'any petition or little business the humblest might bring to him, without losing or relaxing the dignity of the position he occupied'.⁴⁰

FURTHER ASPECTS OF LAND POLICY

1. LAND GRANTS TO WOMEN

One aspect emerging from land granting was that of grants to women, and Macquarie's attitude in this respect was inconsistent. At times he granted land to women, both single and married, while at other times he rejected their applications, which in turn led to difficulties for Sorell. One case of difficulty for Sorell was that of Miss Anne Maria Turnbull. After arriving in Van Diemen's Land in June 1822 she applied to Sorell for a grant, and was disappointed to learn he could not grant land to ladies without a letter from Earl Bathurst. Turnbull then wrote to Bathurst, cited her referees as her uncle, Dr Oliphant of Hammersmith and John Turner of the Horticultural Society. She said that she possessed property worth between £600 and £700 with which she intended to purchase stock and improve the land.⁴¹ Two years passed before Turnbull received a reply. On behalf of Earl Bathurst, Under-Secretary Horton wrote to Arthur, the new Lieutenant-Governor, advising him that if Miss Turnbull's circumstances were found to be as described, and no objection

³⁹ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 28 January 1825, p.444.

⁴⁰ J.W. Beattie, *Glimpses of the Lives and Times of the Early Tasmanian Governors* (Hobart, 1905), p.29; *HRA* III, iv p.681 Bigge to Bathurst, 3 February 1823.

⁴¹ *HRA* III, iv pp.531-2 Turnbull to Bathurst, 20 December 1823.

existed, she may receive a grant 'proportioned to her means of bringing the same into Cultivation'.⁴²

By 1819 in New South Wales, Macquarie had granted land to the wife of the Deputy Commissary-General Mrs Allen, to a Mrs Ward, and also a Mrs Gore.⁴³ The same year Miss Eliza Walsh arrived in New South Wales with her sister, and her brother-in-law, Commissary-General Drennan, and in 1821 she purchased land, cattle and stock and also had £1,000 in cash which she intended to use for cultivation of the land and the rearing of cattle.⁴⁴ In January 1821 Walsh applied to Macquarie for a grant of land with the usual indulgences available to a settler according to the settler's means.⁴⁵ Two days later Macquarie rejected her application on the grounds that it was 'contrary to late Regulations to give Grants of land to Ladies'.⁴⁶

Commissioner Bigge was in the colony at the time, and Walsh took the opportunity to appeal to him to 'take any means in the affair' which he thought were justified.⁴⁷

To Bigge's enquiries, Macquarie replied that he had never received any particular instructions 'either for or against giving Grants of Land to single women', but he considered it a 'very bad practice (except in some extraordinary and pressing cases

⁴² *HRA* III, iv p.158 Horton to Arthur, 25 June 1824.

⁴³ *Historical Records of Australia . Series I. Governors' Despatches to and from England June 1825-December 1826. Volume xii.* (Sydney, 1919), p.352 Walsh to Bigge, 19 January 1821 Sub-enclosure No. 3 in *HRA* I, xii pp.348-355 Bathurst to Darling, 28 June 1826.

⁴⁴ *HRA* I, xii pp.348-9 Memorial of Miss Eliza Walsh Enclosure in *HRA* I, xii pp.348-355 Bathurst to Darling, 28 June 1826.

⁴⁵ *HRA* I, xii p.351 Walsh to Macquarie, 17 January 1821 Sub-enclosure No. 1 in *HRA* I, xii pp.348-355 Bathurst to Darling, 28 June 1826.

⁴⁶ *HRA* I, xii p.351 Macquarie to Walsh, 17 January 1821 Sub-enclosure No. 2 in *HRA* I, xii pp.348-355 Bathurst to Darling, 28 June 1826.

of necessity)’ and also ‘very injurious’ to the interest of the colony.⁴⁸ Macquarie had declined for some time to make grants to single women on the basis that ‘such persons are incapable of cultivating Land, and thereby not adding to the resources of the Colony’.⁴⁹ Despite further correspondence, the matter had still not been resolved in June 1826 when Earl Bathurst instructed Governor Darling to comply with Miss Walsh’s request unless he found any reason which existed for refusing it.⁵⁰ It is apparent that Macquarie had different sets of conditions for different women. On 21 June 1821 he attended the marriage of Lucy Davey, daughter of Sorell’s predecessor, and Dr James Scott in Hobart Town, following which, he gave Lucy ‘a grant of 1,000 acres of land for her own exclusive use’.⁵¹

2. LAND RESUMPTION

Another aspect of control of land that was available was its resumption. There is however, a lack of information about the resumption of land from both settlers and convicts, and the majority of what is available, is from the evidence of Surveyor George Evans to Commissioner Bigge in 1820. Evans told Bigge that there were very few resumptions from convicts, as such allotments were laid out after the streets had been regularly formed, however ‘Several’ parties had their allotments taken

⁴⁷ *HRA* I, xii pp.351-2 Walsh to Bigge, 19 January 1821 Sub-enclosure No. 3 *HRA* I, xii pp.348-355 Bathurst to Darling, 28 June 1826.

⁴⁸ *HRA* I, xii pp.352-3 Macquarie to Bigge, 23 January 1821 Sub-enclosure No. 6 in *HRA* I, xii pp.348-355 Bathurst to Darling, 28 June 1826.

⁴⁹ *HRA* I, xii pp.352-3 Macquarie to Bigge, 23 January 1821 Sub-enclosure No. 6 in *HRA* I, xii pp.348-355 Bathurst to Darling, 28 June 1826.

⁵⁰ *HRA* I, xii p.348 Bathurst to Darling, 28 June 1826. Sub-enclosure No. 9 Walsh to Brisbane, 19 January 1822 and Sub-enclosure No. 10 pp.354-5 Walsh to Goulburn, 10 February 1822 are both further correspondence on the same matter.

⁵¹ L. Macquarie, *Journal of his Tours in New South Wales and Van Diemen’s Land 1810-1822* (Sydney, 1956), p.197, 25 June 1821.

away from them for not fencing.⁵² As well as a return of the population and houses, at the 1820 General Muster, Evans compiled a return of government purchases and exchanges of buildings and land from settlers. In 1813 thirteen of the houses had been valued to enable compensation to be paid to the owners, as it was planned that the houses would be moved to allow for a new arrangement of streets. It was not until 1818 or 1819 they were finally moved. One of the buildings had been purchased in 1810 by Lieutenant-Governor Collins for an orphan school, but was later allowed to become a ruin.⁵³ The only houses and land listed in the return, the resumption of which, were under the authority of Sorell, totalled twelve residents. John Herbert had his house moved to a new plot, while William Crowder had a new house built because his stood across Elizabeth Street. Andrew Whitehead, George Guest and Andrew McGill, all received compensation either in money or, in Whitehead's case, where he owned one house, out-houses and 105 acres of land at New Town, in addition to the valuation of £1,000 he also received 650 acres.⁵⁴ The resumption of Whitehead's property as a residence for Sorell, has already been discussed in Chapter 2.

In May 1820 Sorell advised Macquarie that he intended to resume two allotments of land either side of Government House on which stood houses which were 'old and ruinous', the buildings themselves of 'little value' but were in the 'most eligible part of the Town'. The houses were held by 'Messrs. Palmer and Co. of Calcutta'. No

⁵² *HRA* III, iii pp.326-7 Evans to Bigge, 23 March 1820.

⁵³ *HRA* III, iii pp.571-2 Return of Resumptions.

⁵⁴ *HRA* III, iii pp.571-2 Return of Resumptions.

lease or grant had been given and the site 'of considerable size' would afford a most desirable site for the quarters of one or more public officers, especially the Commissary.⁵⁵ In August Macquarie authorised the removal of the buildings being so 'essentially necessary for the use of Government'.⁵⁶

Donald Campbell was granted 500 acres in 1823 and was able to exchange his land in 1824, apparently without undergoing disciplinary action. Eliza Ogilvie, on the other hand, was refused an additional grant because her late husband had sold his land too early.⁵⁷ On 23 October 1817 Sorell issued an order prohibiting the erection of skillings. Evans said the order was not obeyed, and no allotments on which skillings were erected and not been extended, had been taken away as the inhabitants stated their poverty.⁵⁸ According to Robson, no-one was safe from 'Arthur's stern judgements when it came to land', as Arthur allegedly ruined James Meers Hammond in 1829 when he resumed the 2,000 acre holding he occupied.⁵⁹ Hammond had been frequently absent and had not made the improvements or fulfilled the other conditions of the land grant which was described as 'one of the very best Sheep Walks in this part of the country'.⁶⁰ Arthur then granted the land to Colonial Secretary John Burnett, and later dismissed Burnett for improperly selling

⁵⁵ *HRA* III, iii p.13 Sorell to Macquarie, 1 May 1820; *HRA* III, iii p.927 n.6 A.F. Kemp acted as the agent for Palmer & Co.

⁵⁶ *HRA* III, iii p.47 Macquarie to Sorell, 22 August 1820.

⁵⁷ Morgan, *Land Settlement in Early Tasmania*, p.8.

⁵⁸ *HRA* III, iii p.327 Evans to Bigge, 26 May 1820.

⁵⁹ L. Robson, *A History of Tasmania. Volume I: Van Diemen's Land from the earliest Times to 1855* (Melbourne, 1983), p.202.

⁶⁰ *HRA* III, vii p.838 n498.

the land, though, according to Robson, there is some doubt if Burnett really understood what he had done.⁶¹

John Weavill, a merchant, who arrived in January 1823 was another who had received a grant from Sorell, and from whom Arthur resumed his holding. This was another situation in which the lack of a title being promptly delivered from Sydney aggravated the situation. In February 1823 Weavill obtained an order for a location of 600 acres, and in May selected and took possession of the land at Jericho. The same day, however, he concluded a treaty for the sale of the land for £300 to Noah Mortimer, for which Weavill received part payment.⁶² Twice more Weavill contracted to sell the same land. First to Mr. Paterson, and in 1824 to Mr. Stodart (of Stodart's Hotel). Surveyor Evans measured the land for Paterson in what, according to Arthur, was an act of 'improper conduct', and it was also difficult to suppose that Paterson, a Solicitor in extensive practice, was ignorant of the circumstances.⁶³

The matter did not settle for some time, as Paterson sold the land to a Mr Taylor. Another settler, Mr O'Connor, arrived in the colony in May 1824, and pitched his tent on the land which he found 'completely in its original state of nature', and which he was assured had never previously been located.⁶⁴ Sometime after November

⁶¹ Robson, *A History of Tasmania, Volume 1*, p.202.

⁶² *Historical Records of Australia. Series III., Despatches and Papers relating to the history of Tasmania. Volume vii. Tasmania, January-December 1828.* (Canberra, 1997), pp.8, 13 Enclosure No. 1 in *HRA* III, vii pp.6-17 Arthur to Under-Secretary Hay, 2 January 1828.

⁶³ *HRA* III, vii pp.9, 10, 6 Enclosure No. 1 Crown Solicitor Stephen to Colonial-Secretary Burnett, 14 November 1827 in *HRA* III, vii pp.6-17 Arthur to Under-Secretary Hay, 2 January 1828.

⁶⁴ *HRA* III, vii p.13 Enclosure No. 1 Crown Solicitor Stephen to Colonial-Secretary Burnett, 14 November 1827 in *HRA* III, vii pp.6-17 Arthur to Hay, 2 January 1828.

1825, Mr. Cavanagh arrived from Sydney with a large number of grants. Amongst them, it appears was the grant for Weavill describing the 600 acres. Arthur issued instructions, both to Evans and Cavanagh, that no grant should be delivered in cases where a 'total departure from the conditions had taken place'. Paterson however, applied for Weavill's Grant, and in December the grant was delivered to him.⁶⁵

In New South Wales Macquarie was guarded in his approach to new arrivals and particularly distrustful of emigrants without resources; to him they were only a nuisance and an expense. However, respectable men with at least £500 were another matter, as long as they did not expect or receive any further assistance or indulgence after their arrival, except grants in proportion to their respective capital, and as many male convicts off the store as they were able to maintain.⁶⁶ In Van Diemen's Land from about 1821, unlike New South Wales, the emancipists did not possess sufficient wealth to inflame the fears of the immigrants, and the supply of convict labour was more able to meet the demands of both government and settlers.⁶⁷

As already noted, the historian Henry Melville, writing in 1836, felt that it was one of Sorell's chief aims to encourage free emigration, and Sorell saw the free settlers as

⁶⁵ *HRA* III, vii p.13 Enclosure No. 1 Crown Solicitor Stephen to Colonial-Secretary Burnett, 14 November 1827 in *HRA* III, vii pp.6-17 Arthur to Hay, 2 January 1828.

⁶⁶ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume ix. January 1816-December 1818* (Sydney, 1815), pp.797, 236-8. Before the British government's insistence to Macquarie that settlers should possess capital, those who had been encouraged with land, labour and victualling at government expense had often been idle and ignorant, had 'not contributed to the advancement of Agriculture, and apart from being grateful, they were 'the most discontented, unreasonable and troublesome persons in the whole country' see A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*. (London, 1966), p.93.

⁶⁷ M. Clark, *A Short History of Australia: Illustrated Edition*. (Ringwood, 1992), p.54.

the only people who were able to check the depraved habits of the convicts and promote industry and virtue. Also, according to Melville, Sorell saw the settlers as playing a more positive role than merely controlling convicts:⁶⁸ they were also citizens, whereas to Arthur, they were part of his interlocked system of control and reform, and accordingly, he sought and achieved a tighter control over them than Sorell. In his official correspondence with settlers on subjects of a political nature, Arthur did not disguise his hostility to the liberal ideas of settlers, and he rejected as inappropriate their concerns for their common rights as English people.⁶⁹ At the same time he was stringent in penalizing them for violating land regulations, again, in apparent contrast to Sorell, who was more lenient, or perhaps more understanding in such situations.⁷⁰

3. GRANTS TO LIEUTENANT-GOVERNOR SORELL

Shortly after his arrival in the colony Sorell received the first of his own land grants from Macquarie: located at Macquarie Plains, he named it 'Norton Mandeville'. On 17 July 1817 as well as Andrew Whitehead's farm being purchased for him, Sorell received a grant of 600 acres. According to Sorell, Macquarie told him that he was entitled to a grant which, according to rank, all the Lieutenant-Governors, Judges

⁶⁸ Melville, *The History of Van Diemen's Land*, p.16.

⁶⁹ West, *The History of Tasmania*, p.138.

⁷⁰ Sorell resumed land from Andrew Whitehead, George Guest and Andrew McGill, all were compensated, *HRA* III, iii p.324 Evans to Bigge, 23 March 1820; pp.571-2 Return of Resumptions and Return of Purchases and Exchanges. According to Evans, several parties had allotments taken away because of not fencing, however, an order dated 23 October 1817 prohibiting the erection of skillings was not obeyed, *HRA* III, iii p. 327 Evans to Bigge, 26 May 1820.

and civil officers received.⁷¹ Also according to Sorell, when questioned in 1820 about lack of improvements on his property, he said he told Commissioner Bigge that the reason he had not made any attempt to improve his land was because he was in charge of the distribution of convict labour, and he did not want to be judged as having taken advantage of his position.⁷²

In a 'Private' letter of 20 January 1819, Sorell requested Macquarie send him the 'Grants of his Land'.⁷³ Of the six grants made in the colony that year, three were made to Sorell on 19 February, and were exempt from the usual restrictive clauses.⁷⁴ He received 2,200 acres on the River Derwent in the district of York, ninety acres at Sandy Bay in the district of Argyle adjoining Knopwood's thirty-acre grant, and 710 acres on the Coal River in the district of Ulva, at what was later to become the township of Richmond.⁷⁵

Just two months later in a 'private' despatch Sorell thanked Macquarie for his grants, but then requested an exemption from the clause requiring the land to be held for five years and cultivated in part, previous to any alienation. Sorell said that he realized this exemption was one which was only allowed in one or two particular

⁷¹ HRA III, iv p.890 n164; HRA III, iv p.567 Sorell to Bathurst, 24 August 1824; A. McKay, *Journals of the Land Commissioners for Van Diemen's Land 1820-1828* (Hobart, 1962), p.148.

⁷² HRA III, iv p.567 Sorell to Bathurst, 24 August 1824.

⁷³ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819.* (Sydney, 1921), p.377-8 Sorell to Macquarie, 20 January 1819.

⁷⁴ For restrictions, see *Historical Records of Australia. Series I. Governors' despatches to and from England. Volume vii. 1803-June 1804* (Sydney, 1916), Enclosure No. 5 p.626 in Macquarie to Liverpool, 17 November 1818 pp.580-648.

⁷⁵ HRA III, iii p.578 Memorial to H.M. the King, pp.580-1 Memorial to H.M. the King; HRA III, ii p.785 n150; Morgan, *Land Settlement*, p.16; McKay, *Journals of the Land Commissioners*, p.4.

cases, and he asked that it be extended to him as a special indulgence. Macquarie did not answer this request in either of his next two despatches, despite answering other matters which Sorell raised. According to a note in *Historical Records of Australia*, both despatches originally had enclosures; however, copies of these are not available so it is not known whether or not Macquarie replied to Sorell's request.⁷⁶

By deeds dated 22 June 1821 Macquarie gave Sorell two more grants, 2,200 acres in the Macquarie district and 1,000 acres on the Coal River adjoining his former grant of 710 acres.⁷⁷ Sorell explained to Lord Bathurst that he 'did not ever ask' for the extra two grants.⁷⁸ When Macquarie was in the colony in 1821, as well as finding 'Immigration flowing in', he also realized that with the 'altered Duties and enlarged claims attaching' to Sorell's position as Lieutenant-Governor, it was impossible for Sorell to meet the additional demands from his salary.⁷⁹ In October Sorell received another two grants, each of 500 acres. One was on the Macquarie River in the district of Bathurst, and the other on the Western River.⁸⁰ In January 1824 ninety acres of land situated between the Barracks and Sandy Bay Creek and fronting the River Derwent were advertised for sale in the local newspaper. According to a reference in the Archives Office of Tasmania, this was Sorell's grant which was adjacent to the grant belonging to the Reverend Knopwood.⁸¹ On 26 February 1824

⁷⁶ HRA III, ii pp.391, 393-8 Sorell to Macquarie, 6 April 1819.

⁷⁷ HRA III, ii p.785 n150.

⁷⁸ HRA III, iv p.567 Sorell to Bathurst, 24 August 1824.

⁷⁹ HRA III, iv p.567 Sorell to Bathurst, 24 August 1824.

⁸⁰ HRA III, ii p.785 n150.

⁸¹ *Wayn card file index* AOT has a note 'Calder said this land was owned by Sorell'.

Sorell received 900 acres in the Breadalbane Parish and the following month another 1,005 acres, this time in the Hamilton Parish.⁸²

Sorell's 'Norton Mandeville' property was mentioned in correspondence over the years. One such time was on 26 February 1824 when he requested the use of 900 acres of crown land adjoining his grant until such time as he left the colony.⁸³ In January 1827 Under-Secretary Hay wrote from Downing Street to Lieutenant-Governor Arthur about the same land. According to Hay, Sorell requested that Bathurst grant him the 900 acres in question, upon the conditions in force at the time. Hay enclosed a letter he had received from Sorell, in which Sorell claimed that the land was held as a reserve preliminary to his present request. He continued, that upon notification of Arthur's appointment, Bathurst was pleased to signify he had given orders for Sorell's wish to be attended to with respect to a further grant, in addition to what Macquarie had granted. Sorell explained that at that time he did not avail himself of the proposed favour (which he reminded Bathurst he had also mentioned in his despatch forwarded from Rio de Janeiro on 23 August 1824). Also according to Sorell, as the alienation of the land, though in itself 'of no peculiar value (but on the contrary ineligible as a detached location, from it being so much surrounded)',⁸⁴ would be very injurious to his grant; and therefore begged that Bathurst would authorize him to receive the 900 acres.⁸⁵

⁸² AOT GO 33/18 p.839.

⁸³ CSO 1/98 file no 2325.

⁸⁴ AOT GO 2/3 pp.14-15, either 25 or 27 January 1827 (numerals illegible).

Trespassers were causing problems on 'Norton Mandeville', which resulted in warnings about trespassing by cattle, sheep 'or otherwise', and in both June 1824 and July 1826, notices were published in the press cautioning against the practice.⁸⁶ The following August, John Beamont, who was naval officer from 1818 to 1820 when he was appointed Provost Marshall,⁸⁷ tendered 11s 3d per acre for the land described in a proclamation issued by Arthur for 105 acres of land bounded on both the east and west sides by the 'Norton Mandeville' grant of William Sorell Esquire, and on the north by a grant to his son, William Sorell junior. Interestingly, the tender document, addressed to Colonial-Secretary Burnett was signed by 'John Beamont, Agent for Colonel William Sorell'.⁸⁸ According to Arthur in October 1824, Sorell left the management of his property in the colony to Edward Foord Bromley.⁸⁹ Dr. Bromley had succeeded Beamont as Naval Officer at Hobart Town during Sorell's administration,⁹⁰ but was suspended as Naval Officer and Treasurer by Arthur in November 1824, because of a deficiency of £7,096 in the department. Bromley's clerk may have had the major role in the defalcation, however Bromley was held responsible.⁹¹ According to Edward Abbott junior, when Sorell left the

⁸⁵ AOT GO 2/3 pp.14-15, 25 or 27 January 1827.

⁸⁶ *Hobart Town Gazette and Southern Reporter* 11 June 1824 p.1, col. 4 signed by Thos. Wells; *HTG* 29 July 1826, p.3, col. 3 signed by Andrew Dounie (sic).

⁸⁷ *HRA* III, vii pp.767-8 n 304 for details on Beamont.

⁸⁸ *LSD* 1/76 pp.418-422, 22 August 1828.

⁸⁹ *HRA* III, iv p.206 Arthur to Bathurst, 27 October 1824, also p.152 Arthur to Bathurst, 9 June 1824.

⁹⁰ D. Pike (General editor), *Australian Dictionary of Biography Volume 1 1788-1850 A-H* (Carlton, 1966), pp.155-6.

⁹¹ P. Chapman (editor), *The Diaries and Letters of G.T.W.B. Boyes: Volume 1 1820-1832*. (Melbourne, 1985), p.214, n.47 p.214.

colony Abbott bought all his cattle at £10 per head and ‘other stock at an equal high rate’.⁹²

RETROSPECT ON SORELL’S LAND AND SETTLER MANAGEMENT

A further interesting perspective is given by Russian visitors. Sorell was praised by two sea captains following a visit to the Derwent by the Russian frigate *Kreiser* and the sloop *Ladoga* in 1823. The Russian flag had not been seen before at Hobart Town, and the ships provided a welcome novelty. According to the captains, Sorell allowed the crews to rest, take on provisions, water and coal, and at his suggestion the *Ladoga* was taken upriver to be beached for easy caulking and inspection.⁹³ In reporting the arrival of the Russians ‘last from Rio Janeiro and bound upon Discovery’,⁹⁴ Sorell told Bathurst that he would ‘not fail to show them all the attention and hospitality’ in his power.⁹⁵ As well as other functions and invitations to dinner from settlers, Sorell had the officers to dinner and he organized a three day expedition on horseback for them.⁹⁶

⁹² PRO Reel 250, CO 280/33 pp. 166-302 Abbott to Colonial-Secretary Burnett, 21 May 1829 Sub-Enclosure No. 2 in Arthur to Goderich Despatch No. 7, 21 January 1832.

⁹³ G. Barratt, *The Russian Navy and Australia to 1825: The Days Before Suspicion*. (Melbourne, 1979), p.80. See also pp.78-80, the 36-gun frigate *Kreiser* commanded by Mikhail Lazarev on his 3rd Pacific voyage and the sloop *Ladoga* commanded by his younger brother Andrei were in port at Hobart Town from 30 May 1823 until 21 June 1823.

⁹⁴ A.P. Lazarev, *Circumnavigation of the sloop Ladoga* SPB, 1832, p.62 and Zavalishin, *Australia and Polynesia*, no. 23 cited H Govor, ‘Tasmania through Russian eyes (Nineteenth and early Twentieth Centuries)’ Tasmanian Historical Research Association *Papers and Proceedings* Volume 37 No. 4 (December 1990), pp.151-3.

⁹⁵ AB694/TA35/13 (Bonwick Transcript 13) p.6140 Sorell to Bathurst, 30 May 1823.

⁹⁶ Barratt, *The Russian Navy and Australia to 1825*, pp.78-80. See further Glynn Barratt, ‘Russian Naval Sources for the History of Colonial Australia to 1825’, *Journal of the Royal Australian Historical Society* Volume 67 Part 2 (September 1981), pp.159-75.

Sorell's popularity amongst the settlers endured strongly into the rule of his successor, and undoubtedly this was partly responsible for Arthur's 'unpopularity' with the same people, though the degree to which this was so has been disputed by historians. W.D. Forsyth gives the reason for Arthur's unpopularity as being 'partly a consequence of his efficient administration', that the 'difficulty of access that resulted from his industriously regulated habits offended many who had been accustomed to converse at odd moments with his affable predecessor'.⁹⁷ On the other hand, Lloyd Robson felt that Arthur, as the 'most powerful, skilful and ruthless figure in the colony', was hated with an intensity of 'which only the neurotic and grasping settlers of Van Diemen's Land were capable'.⁹⁸ According to Arthur, it was his belief that a party styling themselves 'Colonel Sorell's friends' had formed into a band of opposition even before he landed in the colony. He also cited what he referred to as another example in 'their preconcerted system', in which the merits of Sorell formed prominent features in the 'weekly effusions of Mr. Murray's Paper'.⁹⁹ Robert Lathrop Murray was editor of the *Hobart Town Gazette* between 8 July 1825 and 12 August 1825, after which, he was editor of the *Colonial Times*.¹⁰⁰

⁹⁷ WD Forsyth, *Governor Arthur's Convict System. Van Diemen's Land 1824-36. A Study in Colonization* (Sydney, 1970), p.5.

⁹⁸ Robson, *A History of Tasmania Volume I*, p.137.

⁹⁹ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume vi. Tasmania. April-December 1827. West Australia March 1826-January 1830. Northern territory August 1824-December 1829.* (Sydney, 1823), p.240 Arthur to Hay, 23 September 1827. D. Pike (General editor), *Australian Dictionary of Biography Volume 2 1788-1850 I-Z* (Carlton, 1967), pp. 21-2.

¹⁰⁰ E. Morris Miller, *Pressmen and Governors: Australian Editors and Writers in Early Tasmania*. (Sydney, 1973), pp.8-9.

As Van Diemen's Land was under the administrative control of the Governor-in-Chief, Melville thought that it could be said that Sorell was eased of many very unpleasant duties, and that it was Macquarie (and presumably also Brisbane his successor) who occasionally had to put in force unpopular yet necessary measures. This may have been so in matters of control of land and convicts. There were some people, continued Melville, who said had Sorell been a ruler of an independent colony, he would not have been as popular.¹⁰¹ In 1825 Van Diemen's Land became a separate colony, and this, while bringing the privileges of self-government, also increased Arthur's authority.

If Sorell did benefit from contemporary comparisons with Arthur, he was also fortunate in gaining from comparisons with his predecessor Davey, and from the time of Sorell's appointment Macquarie showed a favouritism towards him to the detriment of Davey and his achievements. The Van Diemen's Land residents showered Macquarie with praise and treated him with respect during his nine-week visit to the colony between April and June 1821. He reported the changes since his previous visit as 'truly astonishing', and to a great degree the changes were attributable to the 'wise and energetic measures' adopted by Sorell.¹⁰² Blind to his own comparative neglect of the colony, he told how it had been his aim to benefit the subordinate settlements by every means in his power, and he credited Sorell with every improvement in the dependency since 1811. The friendship seemed mutual, though Sorell apparently wished to maintain Macquarie's approval, as he allowed

¹⁰¹ Melville, *The History of Van Diemen's Land*, pp.21-2.

nine year old Edmund Sorell to travel to Sydney with Macquarie when he returned on 30 June 1821, to attend school.¹⁰³ Edmund was the first born son of Sorell and Mrs Kent. This information is gained from a despatch Arthur sent to John G.S. Lefevre Esquire at the Colonial Office in 1835.¹⁰⁴ Interestingly, also in 1821, Macquarie granted 'a reserve' of land to nine year old Edmund just ten days before Macquarie departed from Hobart Town.¹⁰⁵ Unfortunately Edmund did not have the opportunity of benefiting from the land, as he died in London when twelve years old. More details will be found in Appendix A, Figure 3.

The following year, Mrs Kent and Sorell named their next born son Lachlan Macquarie Sorell. Macquarie's liking for Sorell did not appear to change during Sorell's administration, even once the news of Sorell's relationship with Mrs Kent became public. This was despite the fact that Macquarie had previously been critical of similar situations; because at times he had taken steps to prevent cohabitation of unmarried couples as he saw de-facto relationships as depriving women and their illegitimate children of their rightful share of inheritance once a partner died.¹⁰⁶ In Macquarie's journal of his 1821 tour, he was discreetly silent about Mrs Kent.

¹⁰² HRA I, ix p.500 Macquarie to Bathurst, 17 July 1821.

¹⁰³ In 1821-2 Edmund Sorell attended a school for 'upper classes of youth' at Rev. Thos. Reddall's academy at Meehan's Castle New South Wales, under Macquarie's patronage with Macquarie's son Lachlan. Edmund was aged between 8 and 10 years old. Rev. Reddall visited Hobart Town August and September 1820, see Macquarie, *Journal of his Tours*, pp.198, 261 n65; M.H. Ellis, *Lachlan Macquarie: his life, adventures, and times* (Sydney, 1970), p.505; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood* p.377. Edmund Sorell and Lachlan Macquarie junior arrived at school on 2 August 1821 and were the first of Reddall's 'anticipated ten pupils' see J Ritchie, *Lachlan Macquarie: A Biography* (Carlton, 1986), p.181.

¹⁰⁴ AOT GO 33/19 pp.451-6 Arthur to Lefevre, 23 March 1835.

¹⁰⁵ CSO 1/783/16700 lists 1000 acres granted to Edmund William Sorell on 12 June 1821 in the district of Macquarie.

Macquarie, his wife, and son Lachlan did not stay at Government House, instead they had lodgings at Thomas Birch's in Macquarie Street.¹⁰⁷ Unfortunately Knopwood's diary is not available for 1821 to gauge his thoughts on Macquarie's visit.

Fortunately for the historian, Knopwood displayed no reluctance in mentioning Mrs Kent. Five days after Sorell's arrival in the colony, Knopwood recorded that 'the new Lieut. Govnr and his lady attended D.V. Service'.¹⁰⁸ The news of the Kent suit against Sorell and copies of *The London Times* of 7 July 1817 reached Van Diemen's Land, and presumably Knopwood, by October 1817, but his form of reference did not alter, and he readily accepted the whole family. His diary entries which referred to Mrs Kent started as 'Mrs S', and soon became 'Mrs. Sorell and children'.¹⁰⁹ His form of reference to the lady as 'Mrs Sorell' was established in his diary by May 1818. There was an obvious friendship between Knopwood and the Sorell family, as they were frequent visitors at each other's homes. Mrs Kent, who was 'much delighted' with Robert Knopwood's garden, often accepted fruit and garden produce from him, and on occasions delivered oranges for Knopwood and his motherless

¹⁰⁶ C Liston, 'Colonial Society', in J. Broadbent and J. Hughes, *The Age of Macquarie* (Carlton, 1992), p.24.

¹⁰⁷ L.S. Bethell, *The Valley of the Derwent* (Hobart, 1958), p.24 'Macquarie House', the colony's finest brick house built in 1816 fronted Collins, Harrington and Macquarie Sts, Pike (General editor), *ADB* Volume 1, p.104.

¹⁰⁸ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 13 April 1817, p.253.

¹⁰⁹ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, p.268, 12 December 1817, p.268; 20 February 1818, p.274.

ward Betsy Mack, and Sorell and Mrs Kent maintained a continuing concern for the health of Knopwood and Betsy.¹¹⁰ Sorell's actions illustrate both his and Mrs Kent's

¹¹⁰ Some examples: 29 February 1818, p.274; 16 September 1819, p.313; 2 August 1820, p.335; 3 July 1823, p.393.

interest and concern for the colonists, therefore furthering his approval amongst the settlers, which in turn encouraged the settlers motivation to improve themselves, thus leading to colonial expansion.

CHAPTER 6

COLONIAL EXPANSION

Lieutenant-Governor William Sorell's promotion of the rural economy had further consequences. In step with the pastoral industry, as the population increased and the general economy improved, Van Diemen's Land also expanded in other industries and services, and some settlers became wealthy and gained from the expansion.

Edward Lord was one settler with capital who maintained his interests in the main centre, but also had a country estate which he left in the care of a manager. In 1824 Lord was at the peak of his fortune, and his manager, John Riseley, was caring for two properties: Lord's original grant 'Orielson' at Pitt Water, and his 14,000 acre 'Lawrenny' at Ouse. Walter Bethune, a merchant and extensive property owner, had a whaling base at Slop Island. He was in partnership with George Read as captain and owner of the *Lynx*, and in 1822 they had a warehouse built on Hunter's Island. On 1 January 1820 the first weekly produce market commenced in the colony, and small industries were being established. John Terry was engaged in flour-milling at the junction of the Lachlan Rivulet and Derwent River, and in 1821 starch was being made.¹

¹ L.S. Bethell, *Valley of the Derwent* (Hobart, 1958), pp.50, 81, 120, 123; A McKay (ed.), *Journals of the Land Commissioners for Van Diemen's Land 1826-28* (Hobart, 1962), pp.131, 141, 145-6; D. Pike (General editor), *Australian Dictionary of Biography Volume 1 1788-1850 A-H* (Carlton, 1966), p.95.

In 1824 the whaling industry was reported as being exceptionally good, and felt hats from the grey rabbits which had been introduced for hatters were made and sold for 10s 0d. One proprietor of a 'Hat Manufactory' was Mr. Monro, who operated his business in Bathurst Street. At the same time the colony could also boast sixteen breweries and distilleries. R. A. Roberts was the proprietor of a 'Soap and Salt Manufactory' on Brune Island, and there were three 'Tanner and Currier' businesses; T. Dixon in Liverpool Street, Samuel Wintle in Bridge Street, and at New Town John Blackwell had incorporated a 'Glue and Parchment Manufactory' into his trade. However, there were also shortages of artisans as there were neither coach-makers nor agricultural implement makers.² As the means of labour increased, Sorell's public works multiplied. By 1825, the year after Sorell's departure, local revenue received from areas such as customs and fines amounted to £16,866, exports consisted mainly of farm, forest and sea products, while imports consisted mainly of ironmongery, hardware, slops and apparel.³

Hobart Town, laid out by the surveyors James Meehan and George Evans, was rapidly assuming a substantial and more regular appearance, and as Macquarie Street was the principal thoroughfare, it became the most advanced in architectural

² Bethell, *Valley of the Derwent*, pp.50, 81, 120, 123; McKay (ed.), *Journals of the Land Commissioners*, pp.131, 141, 145-6. See A Bent, *The Tasmanian Almanack for the year of Our Lord 1825; being the first year after leap year. Calculated for the meridian of Hobart Town longitude 147½° E latitude 42° 50' S.* (Hobart Town, 1825), pp.51-2 for distillery and brewery proprietors N. Thornton, R.W. Loane, R.Y. Lowes, Major de Gillern, James Towers, Petchey & Wood, George Gatehouse, Mrs Whyte, J. Ogilvie, T. Presnall, T.F. Gorringer, William Barnes, Robert Towers, John Hill Blanchard, B. Reardon, H. Oakes. 'Brune Island' is now spelt 'Bruny Island'.

³ J.B. Bigge, *The Bigge Reports Volume 3. Report of the Commission of Inquiry on the state of Agriculture and trade in the Colony of New South Wales, 1823* (Adelaide, 1966), p.76; B. Fletcher, 'Religion and Education' in J Broadbent & J Hughes, *The Age of Macquarie*, (Carlton, 1992), p.84.

adornment. Governor-in-Chief Lachlan Macquarie's desire was to have two-storied houses erected in the street, and slowly this was being realized. The *Hope and Anchor* public-house was completed, and at the corner of Argyle Street a building was occupied as stores by Read and Bethune. On the western corner of Argyle Street was Edward Lord's house used by Richard Lewis as a store, and at the corner of Elizabeth Street, David Lord's house. Further up Macquarie Street was St. David's Church and a store owned and built by Thomas Birch, and on the southern side of Macquarie Street at the corner of Murray Street was the gaol and female barracks. Government House was enlarged from the old-time uncomfortable building of David Collins' later days, and was improved with several additional rooms, where it remained until 1856, when a new Government House was built on the Domain.⁴

Sorell endeavoured to make provision for additional schools to accommodate the increasing population, especially in 1817 and 1818⁵, and by 1819, 164 scholars were officially enrolled in public schools.⁶ However, only limited results had been achieved by 1821 when a significant proportion of children were still illiterate, some living in areas where there were no schools. By 1824 eleven public schools were

⁴ J.W. Beattie, *Glimpses of the Lives and Times of the Early Tasmanian Governors* (Hobart, 1905), p.27.

⁵ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819.* (Sydney, 1921), p.280 Sorell to Macquarie, 13 October 1817, p.345 Sorell to Macquarie, 10 August 1818, pp.361-2 Sorell to Macquarie, 18 November 1818.

⁶ *Statistical Account of Van Diemen's Land, or Tasmania: From the date of its first occupation by the British nation in 1804 to the end of the year 1823.* Compiled from official records in the office of the Colonial Secretary by Hugh M. Hull, and published by order of His Excellency H.E.F. Young, KNT, Gov.-in-chief of Tasmania (Hobart Town, 1856), p.9.

operating, and at Hobart Town a Sunday School was conducted by the Wesleyan Methodist Missionary, Reverend Ralph Mansfield.⁷

THE COLONIAL PRESS

A printing press was taken to Van Diemen's Land by Collins, and its first use was on 20 February 1804 for printing the General Orders. The colony's first printer was George Clark, who, in 1810 produced the short-lived *Derwent Star and Van Diemen's Land Intelligencer*. Andrew Bent, under a life sentence for burglary, arrived in Hobart Town in 1812, and assisted Clark in the printing of his second newspaper, the *Van Diemen's Land Gazette and General Advertiser* for its duration, between 14 May and 24 September 1814.⁸

On the dismissal of Clark, Bent became printer to the government in 1812. In return for his annual salary of £30, use of some of the government-owned printing type, rations, and the services of one government man, Bent printed free of charge, all government notices and the forms required for all departments except the Commissariat.⁹ On 1 June 1816, he published the first issue of *The Hobart Town Gazette and Southern Reporter*, the publication of which, he continued until 24 June

⁷ Bent, *The Tasmanian Almanack for the year of Our Lord 1825*, p.51.

⁸ E. Morris Miller, *Pressmen and Governors: Australian Editors and Writers in Early Tasmania* (Sydney, 1973), pp.81, 84. In December 1818 Bent printed the first separate book published in Van Diemen's Land, T.E. Wells, *Michael Howe. The Last and Worst of the Bushrangers of Van Diemen's Land* (Dubbo, 1979), already referred to in Chapter 2.

⁹ HRA III, ii p.775 n99.

1825.¹⁰ Bent was then printer for the *Colonial Times* for twelve months, commencing in August 1825.¹¹

The Hobart Town Gazette and Southern Reporter appeared weekly, the first two issues being broadsides, and the following issues were each of two pages. Published under official supervision, all matter for the paper was submitted to the Lieutenant-Governor for approval or correction before printing, and a proof sheet was submitted to him for approval on the morning of publication day.¹² According to Henry Robinson, Sorell's secretary, Sorell saw all articles intended for publication two days before the paper was printed, at which time he either corrected the articles or approved of them as he thought appropriate.¹³ Similar evidence was provided by Bent. In 1820 he told Commissioner Bigge that Sorell always saw the proof sheet of the paper, and he believed that Sorell's clerk, Thomas Wells, also saw them. Both men corrected the proofs, but the corrections were more often written by Wells than by Sorell.¹⁴ In remarks to Bigge in 1820, Sorell said the press was 'unquestionably' under the control of government, and no proceedings in any court were given until the report had been before the judge, and reports of the Supreme Court proceedings in Sydney were either written or corrected 'under the Judge's eye'.¹⁵

¹⁰ Morris Miller, *Pressmen and Governors*, p.81.

¹¹ J. Woodberry, *Andrew Bent and the Freedom of the Press in Van Diemen's Land*, (Hobart, 1972), pp.158-9 for a list of Tasmanian newspapers between 1810 and 1835.

¹² *HRA* III, ii p.775 n99.

¹³ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the States. Volume iii. Tasmania: January-December 1820* (Sydney, 1921), p.471 Robinson to Bigge, 4 May 1820.

¹⁴ *HRA* III, iii p.317 Bent to Bigge, 24 May 1820.

When questioned by Bigge if he had ever refused any request from settler and merchant Roland Loane, to insert an item in the newspaper, Bent replied that he had frequently received 'matters of intelligence' from Loane which he had refused to include. He cited two reasons for his refusal of the publication of articles: either because the articles were written in a manner in which he knew Sorell disapproved, or otherwise the articles were rejected by Sorell himself.¹⁶ The question of Sorell's control over the press was raised by Bigge. In July 1820 he notified Sorell that he believed that the press had undergone some alteration since it was last submitted to Sorell's notice. Bigge raised his comment in relation to the inclusion in the press of the reports of several cases tried before Mr Justice Field. According to Bigge, the printing of the reports became a subject of his enquiry because they affected the reputation and conduct of certain individuals. His report also involved the loss of the original report of a cause involving Loane and Adolarus Humphrey.¹⁷ The lost report was an action for breach of an agreement as a stock agent for three years, in consideration of one-third of the increase of the stock.¹⁸

When Sorell's successor, George Arthur arrived, *The Hobart Town Gazette and Southern Reporter* was the only paper in the colony, printed by Bent, and according to Arthur, 'edited by a respectable Gentleman'.¹⁹ He thought that the newspaper was

¹⁵ HRA III, iii p.899 Sorell to Bigge, 6 May 1820, replies to statements and complaints by Kemp.

¹⁶ HRA III, iii p.317 Bent to Bigge, 24 May 1820.

¹⁷ HRA III, iii pp.666-7 Bigge to Sorell, 5 July 1820. *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv.* (Sydney, 1921), p.721-45 Memorial of Loane.

¹⁸ HRA III, iv p.942 n99.

¹⁹ HRA III, iv p.877 n87. The editor was Evan Henry Thomas who resigned in June 1825, see Morris Miller, *Pressmen and Governors*, pp.8-9.

unsafe in 'such hands as the printers', and it had very wisely been kept under the censorship of the government.²⁰ However, a few months before Arthur's arrival in the colony, Sorell had allowed the printer to purchase the press, which resulted in Bent having the paper entirely under his own control. As soon as Arthur assumed government, he removed the editor, Bent, who 'placed himself in the hands' of Robert Lathrop Murray, 'a most unprincipled character of considerable talents, well known formerly as the head of the fictitious Banking Concern in London *Sir Robert Lathrope and Co.*'²¹

Arthur was concerned at the effect of the press upon the convict population, and applied to Governor-in-Chief Thomas Brisbane for an act to prevent the publication of any paper without a licence, as it seemed to him to be reasonable that a free constitution should precede a free press,²² therefore a free press was inappropriate in a penal colony. In 1824 Brisbane granted freedom of the press, and was applauded by the progressive faction in New South Wales for 'taking away the shackles' from public discussion.²³ In this way, Brisbane initiated a free press in Van Diemen's Land on the basis of the press which had been fostered by Sorell (who had approved the sale), but was later restricted by Arthur.

ESTABLISHMENT OF GOVERNMENT DEPARTMENTS

²⁰ *HRA* III, iv p.366 Arthur to Horton, 14 September 1825.

²¹ *HRA* III, iv p.366 Arthur to Horton, 14 September 1825, see pp.876-7 n86 for Murray's details.

²² *HRA* III, iv p.367 Arthur to Horton, 14 Sept 1825.

When the colony was first settled, the Governor was the head of all administrative power; the few subordinate officials all formed part of a single hierarchy of command with him as the authority figure. However, quite early, certain functions of government demanded specialization and multiplication of personnel, and before long a few particular groupings of officials were identified as distinct departments, or as units of administration, with a degree of separation from the Lieutenant-Governor's own immediate jurisdiction.²⁴ By 1812, the year of amalgamation between the County of Buckinghamshire and the County of Cornwall, it was possible to identify at least four departments: the Medical Department which had been established in 1803, the Survey and Commissariat both in 1804, and the Naval Department in 1807.²⁵

Although the availability of records makes identification difficult, various colonial departments can be identified, and also their approximate date of commencement can be established from surviving correspondence.²⁶ The first of the departments established during Sorell's term of administration appears to have been the Convict Department in 1818, with both the Police Department and the Hobart Lower Courts following in 1820. The Richmond Courts (Coal River area) were established in

²³ *Historical Records of Australia. Series III. Despatches and Papers relating to the History of Tasmania. Volume vii. Tasmania, January-December 1828* (Canberra, 1997), p.758 n239.

²⁴ R.L. Wettenhall, *Evolution of a Departmental System: A Tasmanian Commentary*, (Hobart, 1967), p.7.

²⁵ AOT Agency Reports TA00768 (Medical); TA00069 (Survey); TA00058 (Commissariat); TA00932 (Naval).

²⁶ Agency Listings are available at the Archives Office of Tasmania, Hobart.

1821, but the Launceston Lower Courts not until 1824.²⁷ In 1820 both the Launceston General Hospital and the Royal Hobart Hospital (Hobart General Hospital) were first listed. The Attorney-General's Department and the Gaol (Branch) are both listed as being established in 1823, and the Sheriff's Office and Treasury Department in 1824. The name of the Commissariat was changed to Treasury in 1824, at which time its related agency was the Convict Department. Also in 1824, the Probate Registry was established.²⁸

During the years the names and the operations of departments changed, and in 1822, Sorell and his assistants, in compiling the first 'Blue Book' identified ten departments: Secretary's, Naval, Engineer's, Police and Prison, Judicial, Medical, Clerical, Commissariat, Schools and the Surveyor's Department.²⁹ The general instructions in the front of the Blue Book returns to the Colonial Office in London required Sorell to:

Insert the general Establishment of your Government arranged according to Departments including every individual employed therein with all the particulars specified in the several columns of the Return relative to the nature of their Duties, their emoluments, Length of Service, etc. Insert in the next leaf a List of all the officers, and the page in which their office is described. A return under similar heads of those public officers who may not be attached to any particular department.³⁰

Sorell's entries enable easy identification of each employee in each department and also the number of staff. He also listed the officers at Port Dalrymple. The

²⁷ AOT TA00060 (Convict); TA00242 (Police); TA01055 (Hobart Lower Courts); TA01070 (Richmond Courts); TA01061 (Launceston lower Courts).

²⁸ AOT TA00442 (Launceston General); TA00441 Royal General Hospital; TA00055 (Attorney-General); TA00031 (Gaol); TA00036 (Sheriff); TA00091 (Treasury); TA01574 (Probate Registry).

²⁹ CSO 50/1 pp.7-50.

Engineer's Department which included Public Works, had the highest number of employees with twenty-five, while the Schools Department employed fourteen schoolmasters and one superintendent. Police and Prisons were the next highest with twenty-three, while the departments with the least were Surveyor's with two, and Clerical with five.³¹

As early as June 1821, Deputy Commissary-General William Wemyss recommended, that with the anticipated separation of Van Diemen's Land from New South Wales, the Commissariat branches should also be separated, and there should be an independent branch of the Commissariat of Accounts under a newly appointed officer responsible to the Governor of Van Diemen's Land.³² According to an extract from the Treasury Chambers in London, Sorell was directed that, as from 24 December 1822, the Barracks were to be placed under the control of the Master-General and Board of Ordnance,³³ and the officers were to be directed to receive all building materials, camp equipment, hospital, and other stores for the use of the military. The Commissariat was to retain charge of the magazines of provisions and forage together with any stores.³⁴ The Commissary was to be instructed to receive all money sent for its supply and to 'negotiate all bills upon the treasury for the public expenditure', and amongst those to be paid included Regimental payments, troops and heads of 'several' public departments, so as to enable them to 'carry on

³⁰ CSO 50/1 p.9.

³¹ CSO 50/1 pp.12-20 for details of employment

³² P. Chapman (ed.) *The Diaries and Letters of G.T.W.B. Boyes: Volume 1 1820-1832* (Melbourne, 1985), p.119 n.15. Wemyss was in charge of the NSW Commissariat 1822 to 1827, p.146 n.37.

³³ AOT GO 39/1 Letters and Miscellaneous Papers passing direct to Lieutenant-Governor, 2 November 1821 to 15 March 1833, pp.11-17.

service of respective departments', and to purchase forage, fuel, candles and oil for troops.³⁵ It is evident that in 1822 some government departments were re-organized.³⁶

The Blue Books remained in much the same form until self government in 1825. A number of new departments appeared under Arthur's administration, and the out-station (Port Dalrymple, Macquarie Harbour) officials, originally arranged in geographical groupings separate from the functionally departmentalized establishment near Hobart Town, were gradually absorbed into the appropriate departments. By the mid-1830s the Blue Book was identifying upwards of twenty departments, though the boundaries between some of them were still fluid and in the author Roger Wettenhall's description, 'it took little more than the whim of the recorder to bring about apparent changes in their number and functions'.³⁷

PROBLEMS IN DEVELOPING THE COLONIAL ADMINISTRATION

The historian A.G.L. Shaw believed there was a problem in supplying colonial establishments with official personnel who were reasonably sober, competent,

³⁴ AOT GO 39/1 p.17.

³⁵ AOT GO 39/1 p.19.

³⁶ Some department listings and staff can be found in: *Australasian Pocket Almanack for the year of our Lord 1823, being the third after Bissextile, or Leap Year, and the fourth of the Reign of His Most Gracious Majesty King George the Fourth* (Sydney, 1823); *The Van Diemen's Land Pocket Almanack for the year of our Lord MDCCCXIV, being Bissextile, or Leap Year; and the fifth of the reign of his Most Gracious Majesty, King George the Fourth* (Hobart Town, 1824); *The Tasmanian Almanack for the year of Our Lord 1825, being the first year after leap year. Calculated for the meridian of Hobart Town longitude 147½°E latitude 42°50'S* (Hobart Town, 1825).

³⁷ Wettenhall, *Evolution of a Departmental System*, p.7.

industrious and honest.³⁸ Van Diemen's Land was not favoured with officials of high calibre, despite the importance of government departments for the development of the colony, and the Survey Office was one which suffered from defective personnel and understaffing. The granting of land to settlers by both Sorell and Arthur was set against a backdrop of corruption and malpractice in the Survey Office. Surveying of estates was careless and inadequate. Grants and transfers were full of errors, boundaries, quantities and names were incorrectly described, the land intended for one man was conveyed to another, inaccurate charts multiplied mistakes, and legal formalities which had to be completed in Sydney caused further delays and confusion. The frequent violation of the non-transfer condition of tenure and the power of the Governor, subject to the approbation of one of the principal Secretaries-of-State, to enlarge and grant as 'grants in extension', enabled both emancipated convicts and 'meritorious settlers' to increase their holdings by grants or purchases, resulting in large areas of granted land even before 1820.³⁹

According to Assistant Surveyor-General George Evans in evidence to Bigge in March 1820, applications for land grants were made to Macquarie annually through Sorell, as near as possible to the month of June, as Macquarie had set June aside for that purpose. On receipt of the applications, Macquarie made a list of those to whom he ordered land and the size of the grant. The list was then transmitted to Sorell, who handed over the original or a copy to Evans with directions to mark off the

³⁸ A.G.L Shaw, 'Some Officials of Early Van Diemen's Land', *Tasmanian Historical Research Association Papers and Proceedings* Volume 14, no. 4 (April 1967), p.140.

ground, providing the applicants' choices did not interfere with any government arrangement. After completion of marking, the boundaries and descriptions were forwarded to the Surveyor-General at Sydney, who in turn sent them to Macquarie. Macquarie then directed that the grants be made out according to the description.⁴⁰

In 1813 Macquarie had appointed Evans as Deputy Surveyor-General. Evans had received some training in architecture and surveying, become a storekeeper at Parramatta, farmed on the Hawkesbury River in New South Wales, and was twice temporarily employed in the Survey Department.⁴¹ Surveyors were empowered to 'throw-in' extra land when issuing grants, they were permitted to accept presents, and there were extra official services for which it was understood they might expect to be reimbursed to supplement their inadequate pay.⁴² It was also common practice to include extra land with grants to allow for any future requirement for roads.

According to Commissioner Bigge, frequent interruptions in surveying land grants in Van Diemen's Land were caused by the long absences of Evans, Acting Surveyor-General James Meehan, and Surveyor-General John Oxley on tours of discovery for Macquarie. The operation of the department fell into arrears, made worse by the distances over which measurements needed to be executed, as well as the detention

³⁹ R.W. Hartwell, *The Economic Development of Van Diemen's Land 1820-1850* (Melbourne, 1954), p.36; West, *The History of Tasmania* p.111, Bigge, *Report 3 Agriculture and Trade*. p.34.

⁴⁰ *HRA* III, iii p.318 Evans to Bigge, 22 March 1820.

⁴¹ Shaw, 'Some Officials of Early Van Diemen's Land' *THRA P&P* 14, 4 p.136.

⁴² *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume vi. Tasmania April-December 1827. West Australia March 1826-January 1830. Northern Territory August 1824-December 1829* (Sydney, 1823), p.130 Goderich to Arthur, 18 August 1827.

of the grants in the secretary's office in Sydney until the fees were paid. Also according to Bigge, Evans stated that the grants sent from Sydney to Van Diemen's Land in 1817 were dated September 1813. The same cause of delay existed in New South Wales. Deeds were not delivered to the settlers immediately, often they were issued with location orders, and only after the expiration of five years were grants deed forms forwarded.⁴³

Delays extended sometimes for years, in one extreme case, for more than seventeen years. As late as 1838, Sorell corresponded with Sir George Grey over details of a land claim made by Edward Clark, a settler who had arrived in Van Diemen's Land in 1821. In explaining that Clark's deed had been returned to Sydney when it was found he was absent from the colony, Sorell also gave more details of delays. According to Sorell, between 1821 and 1823, no grant deeds had been forwarded from Sydney to Hobart Town, and consequently, in 1823 an officer of the Survey Department in New South Wales was sent to Hobart Town to deliver 'some hundreds of these'.⁴⁴

The deficiency in survey staff was partially alleviated by the appointment of Assistant-Surveyors William Stanley Sharland in 1823 and John Helder Wedge in 1824, but staff were still unable to accommodate the work. The course pursued was to make hasty surveys of the principal rivers by means of chain and compass, and the

⁴³ Bigge, *Report 3 Agriculture and Trade*. pp.36-7; *The Hobart Town Gazette and Southern Reporter* 14 February 1818 p.1, col. 1; S Morgan, *Land Settlement in Early Tasmania: Creating an Antipodean England* (Carlton, 1992), p.8.

locations chosen on banks of rivers were then fixed on charts. If the surveyor did proceed to mark on the ground, he could seldom afford more time than to set out the width of a few farms by cutting notches in trees. The side lines were seldom measured many hundreds of yards beyond the river bank. It was left to the fencers to produce the lines to the rear the best way they could over the generally irregular ground covered with trees.⁴⁵

SURVEY IRREGULARITIES

There had been irregularities with Evans' surveys, and a grant to settler William Lawrence which was located in October 1823 under instructions from Sorell, had a major impact on the department, on Evans, and also on Sorell. Lawrence had arrived in the colony in February 1823 with a letter from Under-Secretary for the Colonies, Henry Goulburn. The letter, addressed to Governor-in-Chief Brisbane and dated 30 August 1821, directed that a 2,000 acre grant be made to Lawrence, and an equal amount to his brother E.B. Lawrence who was to join him later. The letter also directed that:

the like quantity should be reserved for each of them, which they were to receive as additional grants if within five years they rendered themselves eligible to the indulgence by the due cultivation and improvement of their original quantities.⁴⁶

In September 1824, Arthur ascertained that 8,000 acres stood in the sole name of William Lawrence as his brother had not arrived. The Land Book contained a further entry for 2,000 acres for a person stated to be a relative. Lawrence's location,

⁴⁴ AOT GO 1/31 pp.304-317 Sorell to Grey, 11 April 1838 from Paris.

re-measured under Arthur's orders, found an excess of 'no less than 4,000 Acres!' and the 'Description of the land which professed to contain 8,000 Acres, comprised 12,000 independent of the Reserve of 2,000 Acres',⁴⁷ which, according to Arthur, was for Lawrence, as the 'relative' to whom it referred was his son who was still a minor. According to Arthur, Evans explained his actions by saying that he had acted under orders, but, also according to Arthur, the action by Evans of delivering a 'description of the land purporting it to contain 8,000 Acres, which he positively knew contained 12,000', was an act 'not to be justified from any superior (if such were ever given)'.⁴⁸ Arthur believed that Lawrence was conscious of what had been done, and Lawrence said that the additional land was included as an allowance for 'Swamps, etc.'. ⁴⁹

The following month Arthur explained to Lawrence that it was a regulation established by Macquarie, reported upon by Bigge, and approved by Bathurst, that no settler in Van Diemen's Land should have a larger original grant than 2,000 acres. This could, however, be subsequently enlarged in proportion to the outlay of capital and improvement upon the original grant. As the Lawrence transaction was before his arrival, Arthur thought that the final decision rested entirely with Brisbane, as

⁴⁵ George Frankland, *Report of the Transactions of the Survey Department of VDL* (published 1837), cited A.K. Weatherburn, *George William Evans: Explorer* (Sydney, 1966), pp.87-9.

⁴⁶ *HRA* III, iv p.316 Arthur to Bathurst, 11 August 1825.

⁴⁷ *HRA* III, iv pp.316-7 Arthur to Bathurst, 11 August 1825.

⁴⁸ *HRA* III, iv pp.316-7 Arthur to Bathurst, 11 August 1825.

⁴⁹ *HRA* III, iv pp.315-9 Arthur to Bathurst, 11 August 1825; McKay (ed.), *Journal of Land Commissioners*, p.141 Lawrence's original grants were 'Billop', 'Formosa' and 'Race Course'.

Governor-in-Chief.⁵⁰ Subsequent correspondence on this matter reveals that in July 1826 Sorell recalled how he directed that the location was to be made under Evans' '*personal superintendence*', and that Evans had authority to 'make an allowance for the swamps'. Sorell said that the plan of the location that Evans gave him was in Evans' '*own hand and signature*' and was marked '8,000 Acres'. A plan previously referred to by Evans and marked by Scott, with an allowance of 12,000 acres, Sorell thought, was the chart of the ground on the first examination, and '*not at all a measurement for Mr. Lawrence*'.⁵¹

In a despatch dated 7 April 1826, Bathurst directed Arthur to reduce Lawrence's grant to the original 2,000 acres, and further explained that because Lawrence's brother had not arrived in the colony, he therefore forfeited all claims to the grant.⁵² Arthur promptly replied, and coincidentally the despatch was transported on the same vessel on which Evans returned to England following his retirement.⁵³ According to Arthur, Evans would offer 'no explanation further than that he had always represented himself to have acted under the express direction of Colonel Sorell'. Arthur further told Bathurst that upon arrival in England, Evans 'pledged

⁵⁰ HRA III, iv p. 324 Arthur to Lawrence, 17 September 1825 Enclosure No. 9 in Arthur to Bathurst, 11 August 1825 pp.315-337.

⁵¹ HRA III, vi pp.556-7 Sorell to Evans, 26 July 1826 Sub-enclosure in letter No. 9 in Arthur to Bathurst, 3 March 1827, pp.533-76.

⁵² *Historical Records of Australia. Series III. Despatches and Papers relating to the Settlement of the states. Volume v. Tasmania December 1825-1827. Northern territory 1823-1827. Western port Victoria 1826-1827* (Sydney, 1922), pp.136-7 Bathurst to Arthur, 7 April 1826.

⁵³ HRA III, v pp.375-6 Arthur to Bathurst, 24 October 1826.

himself to leave his address' at Bathurst's office, and Arthur left any further enquiry to be made of Evans to Bathurst.⁵⁴

It was on 16 November 1824, that Evans had submitted a memorial to Brisbane for approval to retire on a pension and become a settler with similar indulgences to those enjoyed by settlers arriving from England.⁵⁵ Arthur was reluctant to sanction his retirement because 'Rumours prejudicial To Mr Evans were so general', and it was impossible for Arthur to pardon Evans 'of much impropriety in having allowed himself to accept of presents in his office.'⁵⁶ However having 'ascertained that the practice in the Surveyor's Department was not entirely unsanctioned by Colonel Sorell', and having no positive proof that Evans had acted from corrupt motives whilst his services had been of 'an important and responsible nature, and often in exploring, arduous and severe', Arthur eventually recommended Evans' retirement on a pension of £200 per annum.⁵⁷ As mentioned, he left Van Diemen's Land for England on 26 October 1826, and in 1828 was still receiving his retirement allowance.⁵⁸

In the *Journal of the Land Commissioners*, an entry by Surveyor Wedge for Saturday 23 July 1825, indicates another example of excess land being granted by Evans.

⁵⁴ *HRA III*, v pp.375-6 Arthur to Bathurst, 24 October 1826, pp.178-80 Arthur to Bathurst, 18 September 1827.

⁵⁵ *New South Wales Governor's Despatch Volume 6* cited in Weatherburn, *George William Evans*, p.91.

⁵⁶ *HRA III*, vii p.694 n10.

⁵⁷ *HRA III*, vii p.694 n10; see further *HRA III*, v p.16. According to Arthur, in 1825 Sorell admitted the practice of taking presents was not entirely without his knowledge, see *HRA III*, vi p.180 Arthur to Bathurst.

Surveyor Wedge noted that he did not complete Mr McLeod's grant because, had he followed the instructions given to him by Evans, the grant would have contained almost 200 acres extra. In 1824 Land Commissioner Roderic O'Connor wished to locate his own anticipated grant. In Evans' office he chose a spot on the Lake River where no names appeared on the chart. The following day he called again, and found a note to the effect that 400 acres of the area had been granted to a Mr Watson. O'Connor accused Evans of having inserted the note on the map since the previous day. Evans denied the accusation.⁵⁹

Evans also gained personally from his own methods, as in December 1826, according to the Land Commissioners, a beautiful farm at Lower Jordan of which Evans had taken possession, was the only grant on which the original grantees' names had been removed from the chart and the purchaser's name substituted. It was known that Evans later sold the farm for a book debt of £500.⁶⁰

Sorell was not alone as an administrator of Van Diemen's Land in having disputes with official staff. The rule of his successor Arthur was scattered with similar episodes, and five of his senior officials were either dismissed in disgrace or in extraordinary circumstances.⁶¹ Despite these episodes, there is some basis to

⁵⁸ *HRA* III, vii pp.305-6 Huskisson to Arthur, 3 May 1828.

⁵⁹ CSO 1/52/995 cited McKay (ed.), *Journal of Land Commissioners*, p.xix.

⁶⁰ Justice Crawford, W.F. Ellis & G.H. Stancombe (ed.), *The Diaries of John Helder Wedge 1824-1835* (Hobart, 1962), p.17, McKay *Journal of Land Commissioners* p.33; *HRA* III, iv p.852 Mitchell to Bigge, 2 September 1820, settler James Mitchell was another who complained about Evans.

⁶¹ Pike (General editor), *ADB* Volume 1, pp.155-6, *HRA* 111, vii p.718 n94 Surgeon Edward Foord Bromley misappropriated colonial funds. *HRA* 111, vii pp.102-7, p.717 n91, p.705 n47 Naval Officer and Treasurer Rolla O'Ferrall and Colonial Treasurer Jocelyn Thomas both committed fraud. Pike

Arthur's complaint in May 1828 to Sir George Murray, in which he finds fault that Sorell's system was 'almost entirely carried on by the verbal instructions' and not necessarily confirmed in writing.⁶² This is perhaps a harsh statement, but is indisputable that at times Sorell did issue only verbal instructions. It is unclear whether or not this was due to his informal style of governing, but his style caused considerable anguish to Knopwood in what became known as the 'Cottage Green Case'.⁶³ Knopwood's original grant had not been properly surveyed, and in April 1824, with the verbal assurance and approval of Sorell for a change in the line of the road, Knopwood subdivided his land, and advertised the blocks for auction. Part of the land was sold five days before Arthur arrived. Despite Knopwood having Sorell's verbal approval, Arthur reversed the agreement. Sorell, who by the time of the reversal was in London, was surprised to learn that no official record of his approval of the alteration of the road had been left in the Surveyor's Office. All Sorell was able to do, was to issue a certificate that he had sanctioned the removal of the road, to allow for a row of buildings to be erected along the waterside. Evans explained that, although Surveyor Harris had allowed a reserve of only eleven yards for a road between Knopwood's land and the seashore, Sorell had directed Evans to move the road back twenty-two yards, which would allow development between the road and the shore.⁶⁴

(General editor), *ADB* Volume 1, pp.622-3 Principal Superintendent of Convicts Roger Henry Woods, an incorrigible tippler, brought the department close to chaos by incorrect convictions, abuse of a magistrate and employment of absconded convicts. Pike (General editor), *ADB* Volume 1 pp.182-3 Colonial Secretary John Burnett 'attempted to cover up a serious breach of land regulations'.

⁶² *HRA* III, vii pp.637-643 Arthur to Murray, 5 November 1828.

⁶³ *HRA* III, vii p.448 n387 also pp.719-720 n98.

Another case which demonstrated Sorell's use of verbal instructions was grievance expressed by Walter Bethune. The location of his store was made on the undertaking of Sorell that a government battery would be built on the end of Hunter's Island, and should Bethune agree to give his warehouse a handsome stone front, no private individual would be allowed to erect stores beyond his premises. The resulting controversy began when Arthur decided that the site proposed for the battery should be disposed of, as it was unsuitable for military purposes. Bethune claimed the undertaking (which he admitted was verbal), had been breached. Sorell supported Bethune's claim, the dispute died, and Bethune disposed of his property. Apparently Sorell's method of verbal instructions was not unusual. This was indicated in a reply by Evans to a question from Commissioner Bigge about building houses on leases and grants, when he said that 'verbal permission' to build had been given by 'several Lt. Governors'.⁶⁵ In retrospect, this relaxed approach to land granting practice reflected Sorell's enthusiasm for entrepreneurial economic development, but it also bequeathed a difficult administrative legacy.

ENCOURAGEMENT OF PRODUCTIVE SETTLEMENT

After July 1820 all letters of introduction from the Secretary-of-State for grants in Van Diemen's Land, were addressed to Sorell rather than Macquarie, whose authority until such time included the granting of land to settlers. The change in policy, advised by Under-Secretary Goulburn under directions from Lord Bathurst, was to remedy the inconvenience of settlers who proposed settling in Van Diemen's

⁶⁴ *HRA* III, vii pp.336-7 Murray to Arthur, 3 June 1828, pp.809-10 n 387.

Land from having to wait for their letters to be transmitted to Macquarie before they could cultivate their assigned land grant.⁶⁶ The change in policy was also to ensure that settlers took possession of their grants with as little delay as possible. Sorell was instructed, that on receipt of each letter from an intending settler, he was to give the necessary instructions to the Deputy-Surveyor for measuring the usual quantity in proportion to the capital which the individual possessed, the maximum grant being 2,500 acres, or four square miles. Re-alienation of the grant within five years was forbidden under the threat of forfeiture. Sorell was also instructed to regularly transmit to Macquarie, the lists of grants, to enable them to be registered and approved by Macquarie.⁶⁷ The changes of policy in Britain which led to direct transportation of convicts to Hobart Town, the change in letters for land grants in Van Diemen's Land being addressed to Sorell instead of Macquarie, and the arrival of free settlers in increasing numbers, all occurred around the same time. These changes meant that Sorell's personal attention and encouragement in land grant matters, was directly exercised during a critical period of economic growth.

Sorell claimed that, as a result of Lord Bathurst's directions, he instructed Evans to place all recently arrived settlers from England and Scotland on land proportionate to their capital.⁶⁸ The criterion for allocating grants to settlers in the early twenties was the means at their disposal for improving and stocking 'waste' land. The official

⁶⁵ *HRA* III, vii pp.807-8 n385; *HRA* III, iii p.324 Evans to Bigge, 23 March 1820.

⁶⁶ *HRA* III, iii p.39 Goulburn to Sorell, 24 July 1820.

⁶⁷ *HRA* III, iii p.39 Goulburn to Sorell, 24 July 1820; pp.929-30 n21. See *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume x. January 1819-December 1822* (Sydney, 1917), p.333 for a copy of the letter.

⁶⁸ *HRA* III, iii p.74 Sorell to Goulburn, 30 December 1820.

offer and form of introduction, which had been devised in the Colonial Office, signed by Robert Horton Parliamentary Under-Secretary, held out encouragement to emigrate, but only to those with at least £500 to employ in the cultivation of land, and it stressed the necessity for respectable character references.⁶⁹ No free passages were granted. On arrival, as well as his grant of land, each settler received loans of stock and seed from the government, and rations for themselves, and their convict servants, for six months. Until 1818 they were guaranteed 10s 0d per bushel for all the wheat they grew, and 6d per pound for meat. All land grants were to be free of fees, taxes, quit rents or other acknowledgments whatsoever for a set period of time, after which they would be subject to quit rent. Quit rent for free settlers was 6d for every thirty acres after ten years, and for marines it was 1s 0d for every fifty acres after five years.⁷⁰ Although the payment of quit rent was an essential condition of every grant issued in Van Diemen's Land, its collection was never effectively enforced. On 22 March 1820, Evans told Commissioner Bigge that no-one had been appointed to collect quit rent, and there were 300 grants on which it had been due for two years.⁷¹ The problem of enforcing a significant compliance by settlers in payment of quit rent continued through Arthur's administration, until 1835, when

⁶⁹ CO 210/156, f 330 cited L Robson, *A History of Tasmania, Volume 1: Van Diemen's Land from the Earliest Times to 1855* (Melbourne, 1983), p.108.

⁷⁰ J Fenton, *A History of Tasmania from its discovery in 1642 to the present time*. (Hobart, 1978), p.52; *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume iii. 1801-1802* (Sydney, 1915), p.394; *Historical Records. Series I. Governors' Despatches to and from England. 1788-1796* (Sydney, 1914), pp.303-4, 543. For further details on quit rent, see S. Petrow, 'Discontent and Habits of Evasion: The Collection of Quit Rents in Van Diemen's Land, 1825-1863' in *Australian Historical Studies*, Volume 32, No. 117 (October 2001), pp.240-256

⁷¹ HRA III, iii p.326 Evans to Bigge, 23 March 1820.

Secretary-of-State for War and the Colonies, Baron Charles Glenelg, decided not to insist on payment.⁷²

Another difficulty for Sorell was the problem of deceptive statements. Prior to 1820, Sorell had notified Goulburn, that with a view to preventing deceptive statements of property from settlers, and ensuring that each settler's capital was used for cultivation and improvement, he had referred to Macquarie for instructions and the general rules and principles by which Macquarie organized the granting of land.⁷³ Nonetheless, there were instances of prospective settlers claiming absurdly high values for 'goods and moveables' to swell the worth of their schedule, and also of others claiming fictitious capital in order to secure large grants of land. Those without capital were able to deceive the governor by hiring money for the purpose, therefore a succession of valuable farms could be acquired with the same hired capital. The alienation regulation was ignored, and after 1820 land was regularly sold, and very often in the most public manner possible.⁷⁴ Throughout his dealings with settlers regarding land, Sorell clearly gives the impression of preferring to uncritically promote economic growth, rather than hamper such growth by bureaucratic regulation.

⁷² Morgan, *Land Settlement*, p.8.

⁷³ HRA III, iii p.74 Sorell to Goulburn, 30 December 1820.

⁷⁴ J Dixon, *Narrative of a voyage to New South Wales and Van Diemen's Land in the Ship Skelton during the year 1820 with observations on the state of these colonies, and a variety of information, calculated to be useful to emigrants. By James Dixon, commander of the Skelton with an appendix, containing Governor Mc Quarie's Report regarding Van Diemen's Land, Tables of the population, List of Articles Suitable for Exportation etc. etc.* (Edinburgh and London, 1822), p.32; AOT NS14 NP14, W. Williamson to Agnes Wilson, 16 December 1820 cited Robson, *A History of Tasmania 1*, p.108; E Curr, *An Account of the Colony of Van Diemen's Land: Principally designed for the use of emigrants.* (London, 1824) facsimile Reproduction (Hobart, 1967), p.115.

A testament to Sorell's vigorous promotion of settlers has been left by the then future agent of the Van Diemen's Land Company, Edward Curr, who saw Sorell as the 'most enlightened person' in the colony.⁷⁵ Curr was a resident in Van Diemen's Land between February 1820 and June 1823. In his publication of 1824,⁷⁶ he advised those who were determined to emigrate, to obtain the sanction of the Secretary-of-State for the Colonial Department before departure. He believed that it was not strictly necessary to have permission, but without it, the new settler would not be entitled to a grant of land on his arrival in the colony; however, if the Lieutenant-Governor under any particular circumstances was disposed to give him land, it would probably be no more than half of what he would have obtained had his emigration been approved. Curr advised prospective settlers that the regular way of obtaining permission was by writing to the Colonial-Secretary requesting an order for a grant, and enclosing the recommendation of two respectable people as to the applicant's character and his disposable capital, which must not be less than £500 to entitle him to a grant of land. However, Curr added that 'many people arrive in Van Diemen's Land possessed of much smaller sums', that he assumed the minimum capital was not intended to be acted upon.⁷⁷

Given the difficulties in formal land location previously noted, Curr's advice is instructive. He advised the settler that in choosing his land his first consideration

⁷⁵ Curr, *An Account of the Colony*, p.104.

⁷⁶ Curr, *An Account of the Colony*, pp.93-4. Pike (General editor), *ADB* Volume 1, p.270.

⁷⁷ Curr, *An Account of the Colony*, p.94.

was whether he principally intended to cultivate or to graze; the second was his need to be near the market and have access to good water carriage. He also suggested the need to try to obtain an equal proportion of rich soil, fresh water, and good natural boundaries, with an outlet on the rear of the grant which was not likely to be quickly located. Permission of the Deputy Surveyor-General needed to be obtained with all speed, as the first applicant was entitled to preference. Curr was one settler who was obviously very satisfied with Sorell's approach to the colony, because in his publication he advised prospective settlers to 'treasure up every word' they heard from Sorell, as they could be assured that it was the 'sincere and impartial advice of the most enlightened person in the colony'.⁷⁸

Thomas Godwin, in his emigrant guide published in 1823 similarly endorsed Sorell's Van Diemen's Land. He favourably compared costs of free settlers in Van Diemen's Land and Illinois, and noted that on arrival in Van Diemen's Land, a person of respectability received a free land grant, and was also allowed as many convict servants that he required to enable him to build his house, and to work on his farm.⁷⁹

It is obvious that many settlers benefitted from the prosperity fostered by Sorell. The remarkable economic growth as shown by the surge in small industries, and more particularly in the pastoral industry are shown by the huge increases in the number of stock, especially sheep, and also in the production of crops, culminating in exports of

⁷⁸ Curr, *An Account of the Colony*, pp.101-4.

⁷⁹ T. Godwin, *Godwin's Emigrant Guide to Van Diemen's Land more properly called Tasmania*. 1823. Facsimile edition (Hobart, 1990), pp.30-1. He did not compare the cost of the voyages though.

wool, wheat, potatoes, salted meat and kangaroo skins from the colony. These are examples of opportunities seized by settlers effectively using their resources, including assigned convicts, in a young colony under a popular and successful leader, who was capable of managing both a convict and free population. The massive increase in the European population of the colony during the period under Sorell's leadership from approximately 3,100 to 12,300 also testifies to his success in promoting new migration to the colony and its accompanying benefits as seen by prospective settlers and their families.⁸⁰

⁸⁰ See following chapter for figures on population and land. Between the 1818 and 1820 musters sheep increased from 127,883 to 182,468. In November 1822 total acres held 344,296; wheat 15,317 acres, sheep 165,208; cattle 41,863; swine 7,354 see Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, p.380. 54% of the population were convicts in 1820 and 46% in 1825, see R.W. Hartwell, *The Economic Development of Van Diemen's land 1820-1850* (Carlton, 1954), p.68.

CHAPTER 7

A CLASH OF TWO CULTURES

The belief at the time of European settlement of Australia was that it was *terra nullius*, a land belonging to no-one. 'European powers adopted the view that countries without political organization, recognizable systems of authority or legal codes could legitimately be annexed. It was a case of supplying sovereignty where none existed'.¹ According to author and historian, Henry Reynolds, the British claim was not surprising given the attitudes of European powers at the time. The basis for the use of land was the justification that the Aborigines had never actually been in possession of the land. They ranged over it rather than resided on it. The Europeans, therefore, were in the legal position of being in possession of the land.²

Early colonial governors were faced with two opposite and irreconcilable requests from the home government, which controlled their actions in relation to European settlers and the Aboriginal population. With declining Aboriginal and rapidly increasing European populations, their first moral requirement was that the Aboriginal people should be treated well, and their rights as human beings protected. The other requirement was the need to assure the European settlers of their legal right to possess land. As a hunter-gatherer people, the Aborigines depended on the

¹ H. Reynolds, *The Law of the Land* (Ringwood, 1992), p.12; N.J.B. Plomley, *The Aboriginal/Settler Clash in Van Diemen's Land 1803-1831* (Launceston, 1992), p.5.

² Reynolds, *The Law of the Land*, pp.12-3.

land's bounty for subsistence, they existed in nomadic loosely knit social units, and had established seasonal migration patterns covering large areas of land. Similar to other hunter-gatherer societies, most of their food was from gathering rather than from hunting. They also encouraged the kangaroo to specific areas through burning, which resulted in improved grasses and therefore feed. As well as eating the meat of the kangaroo, the Aborigines used their skins for clothing, covers for sleeping, mats, and also for containers which were joined together with lengths of sinew. However, to the Europeans, the land had a different use: it was essential for their agricultural and pastoral pursuits, and the settlers who arrived as free settlers came with the prospect of a better life than in Britain, and an expectation of receiving land on which to settle and to pursue their chosen lifestyle.

The popular and vigorous nature of Lieutenant-Governor William Sorell's administration of European Van Diemen's Land has tended to mask a significant deterioration of relations, the true nature of which was largely unperceived by Sorell, who, like his predecessor Thomas Davey, and his superior, Governor-in-Chief Lachlan Macquarie, had nevertheless endeavoured to improve relations when the occasion demanded it.³ A review of the period reveals a number of indications that the situation between the two groups was far from peaceful.

³ For a recent publication on the New South Wales situation, see J. Kociumbas, "'Mary Ann", Joseph Fleming and "Gentleman Dick": Aboriginal-Convict Relationships in Colonial History' in *Journal of Australian Colonial History*, Volume 3 No. 1 (April 2001), pp.28-54.

Sorell's commission and instructions were almost identical to those given to Davey,⁴ amongst which, Macquarie instructed Sorell that he was to use every means in his power to 'Conciliate the Friendship and Good Will of the Natives'.⁵ Sorell was to ensure that all people who resided under his 'Jurisdiction' lived in 'Amity and Kindness' with them, and all acts of violence against them or interruption in the 'Exercise of their Several Occupations' were to be punished according to the degree of the offence.⁶ Two months later, on 19 May 1817, Sorell issued a proclamation in which he condemned the action of those settlers who were in the 'habit of maliciously and wantonly firing at, and destroying, the defenceless natives'.⁷ He announced that the 'Natives of New South Wales and its Dependencies should be considered as under the British Government and Protection', it was his duty to support and encourage measures towards their conciliation, and any person charged with killing, firing at, or committing any act of 'Outrage or Aggression' against them, would be sent to Port Jackson for trial.⁸

EUROPEAN ARRIVALS

The European sealers who worked in Bass Strait introduced dogs and these were the first domesticated animals used by the Aboriginal people. Lyndall Ryan suggests the Aborigines first used dogs to incorporate sealers into their system of 'mutual

⁴ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819.* (Sydney, 1921), pp.13-23 Davey's Commission, in the Name and on the Behalf of His Majesty George the Third countersigned by Lord Liverpool, 1 September 1811; *HRA* III, ii pp.13-23 Macquarie to Davey, 30 January 1813; *HRA* III, ii pp.183-191 Sorell's Commission, in the name and on the Behalf of His Majesty King George the Third, countersigned by Bathurst, 3 April 1816.

⁵ *HRA* III, ii p.187 Macquarie to Sorell, 30 March 1817.

⁶ *HRA* III, ii p.187 Macquarie to Sorell, 30 March 1817.

obligation and exchange', and that it was a use which ultimately assisted in the breaking up of tribes when one tribe stole women from another in an attempt to gain access to both dogs and sealers. Ryan also suggested that other Aborigines viewed the acquisition of the dogs differently, and considered them as a form of gift exchange or rent, for the settlers' use of Aboriginal land. It appears likely that the Aborigines also used dogs as a security measure and as a warning system against the approach of Europeans, especially at night. Such use was witnessed one night at Ben Lomond by John Batman, when he and others were within approximately twenty paces of sleeping Aborigines and their movements through the bushes alerted forty dogs of their presence.⁹

Over time, the increasing numbers of Europeans occupying the land had considerable consequences for the survival of the Aboriginal inhabitants. The first influx followed the decision to abandon Norfolk Island and evacuate settlers to the Derwent River. During the period 1807-1808, there were five evacuations with 611 settlers, followed by another two ships in 1813 to Port Dalrymple with ninety-five settlers, therefore almost doubling the colony's population, which in 1810 was 1,321.¹⁰ The

⁷ *The Hobart Town Gazette and Southern Reporter*, 24 May 1817 p.1, col. 1.

⁸ *HTG*, 24 May 1817, p.1, col. 1.

⁹ L. Ryan, *The Aboriginal Tasmanians* (St. Lucia, 1981), pp.4, 67, 77; *Historical Records of Australia. Series III. Despatches and Papers relating to the History of Tasmania. Volume vii. Tasmania, January-December 1828* (Canberra, 1997), p.699 n29; CSO 1/320 John Batman to Thomas Anstey, 7 September 1829.

¹⁰ I. Schaffer & T. McKay, *Exiled Three Times Over! Profiles of Norfolk Islanders exiled in Van Diemen's Land 1807-13* (Hobart, 1992), pp.214-330; *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume vii. January 1809-June 1813*. (Sydney, 1916), pp.284-5 Enclosure No. 7 'Penal Statement of the Inhabitants in His Majesty's settlements at Norfolk Island, Port Dalrymple, and Hobart Town, Van Diemen's Land, as accounted for by the respective Returns transmitted to Headquarters' pp.284-5, in Macquarie to Castlereagh, 30 April 1810 pp.245-329.

settlers established farms at distant areas from the main settlements such as New Norfolk, Brown's River and Pitt Water in the south, and in the north, at Paterson's Plains and Norfolk Plains.

Between 1817 and 1824, over 4,000 free settlers and almost 5,500 convicts arrived, and, as already discussed in the previous two chapters, the 1820s signalled an economic boom, particularly in the pastoral industry. Land was progressively granted in more distant areas, and as a result, settlement spread throughout most of the explored and accessible parts of the island. The settlers, many from the new gentry class whom Commissioner Bigge recommended should occupy the 'empty' territory, were sons of the English, Irish and Scottish landed gentry, and the sons of colonial officials, many of whom had capital to invest in the pastoral industry, and also retired army and navy officers who had returned from the Napoleonic Wars.¹¹

ENCOUNTERS

In May 1804, only months after European settlement, a clash between Aborigines and settlers which occurred near Risdon was the beginning of a series of fatal encounters interspersed with the issuing of proclamations stating that Aborigines were under the protection of British law.¹² As more incidents followed, sealers on

¹¹ Ryan, *The Aboriginal Tasmanians*, p.83.

¹² See M. Nicholls (ed.), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), 3 May 1804, p.51; L. Robson, *A History of Tasmania Volume 1: Van Diemen's Land from the Earliest Times to 1855* (Melbourne, 1983), pp.45-6 and M. Tipping, *Convicts Unbound: The Story of the Calcutta Convicts and their Settlement in Australia* (Ringwood, 1988), p.188 for versions of the first fatal clash at Risdon, also *HRA* III vii pp.26-8 Arthur to Goderich, 10 January 1828, where Arthur also refers to injuries committed by bushrangers and sealers.

the Bass Strait islands, escaped convicts and bushrangers ill-treated Aborigines who, in turn, tried to gain revenge for the injuries and cruelties they suffered.

The sealing industry commenced in the Bass Strait islands in 1798 with Charles Bishop's operations at Cape Barren Island, which followed the wreck of the *Sydney Cove* and the reports of the vast numbers of seals to be found on the rocks and islands.¹³ At some point between 1805 and 1820 sealing changed from being based on sealing gangs from Sydney (or latterly Van Diemen's Land ports) who returned to the islands on a regular basis, to a situation where sealers lived on the islands. This had probably occurred to some degree by 1815,¹⁴ as gauged by correspondence in September 1815 to Colonial-Secretary Campbell from William Stewart, owner and master mariner of the colonial merchant sloop *Fly*.¹⁵ According to Stewart, the sealers frequently used force to obtain and keep Aboriginal women and claimed them as private property for hunting and foraging. If the women did not comply with orders, then as a way of punishment the sealers would 'half hang them, cut their heads with Clubs in a Shocking manner' or flog them with 'Cats made of Kangaroo Sinews'.¹⁶ Notwithstanding the situation, some of the convicts who had absconded from their place of assignment and become bushrangers found they could live with the Aboriginal people on their terms, which included bartering dogs for women.¹⁷

¹³ S. Murray-Smith, 'Beyond the Pale', *Tasmanian Historical Research Association Papers and Proceedings* Volume 20, no. 4 (December 1973), pp.168-9.

¹⁴ I. Stuart, 'Sea rats, bandits and roistering buccaneers: What were the Bass Strait sealers really like?', *Journal of the Royal Historical Society* Volume 83 No. 1 (June 1997), p.48.

¹⁵ *HRA* III, ii pp.709 Memorial of Stewart.

¹⁶ *HRA* III, ii pp.575-6 Stewart to Campbell, 28 September 1815.

According to authors Brian Plomley and Kristen Henley, the abduction of Aboriginal women by sealers had serious consequences. The women became no better than slaves, and the greatest damage from the abductions lay in the effect upon families, because by removing women the entire way of life was disrupted and destroyed, and eventually hardly any women remained among the north-eastern and eastern tribes.¹⁸ Ryan presented a different opinion. She thought that, although the sealers were instrumental in the destruction of a number of tribes, they also saved Aboriginal society from extinction, because their economic activity enabled some traditions to continue.¹⁹ By 1820 sealers were established on Passage, Preservation, Woody and Gun Carriage Islands in the Furneaux Islands, and possibly also on King Island and in the Kent group of islands. On these islands they had their homes, gardens and animals, and it was also here where they collected mutton birds and kangaroo skins.²⁰ Shore stations for whalers operated in the early 1820s from such places as Adventure Bay and Southport in the south, and Oyster Bay on the east coast.²¹ Brian Plomley thought that the whaling camps attracted Aboriginal women for prostitution, and that they were possibly responsible for the introduction of venereal diseases into some of the tribes, which in turn, resulted in a fall in reproductive activity.²²

¹⁷ Tipping, *Convicts Unbound*, p.188.

¹⁸ B. Plomley & K. Henley, 'The Sealers of Bass Strait & the Cape Barren Island Community', *THRA P&P*, 37.2 and 37.3 (June and September 1990 combined), p.18.

¹⁹ Ryan, *The Aboriginal Tasmanians*, p.71. For further perspectives on the sealers, see R.Taylor, 'Savages or saviours? The Australian sealers and Aboriginal Tasmanian survival', *JAS Australia's Public Intellectual Forum* No. 66, 2000, pp.73-84.

²⁰ Stuart, 'Sea rats, bandits and roistering buccaneers', *JRAHS* 83.1 (June 1997), p.49

²¹ N.J.B. Plomley, *Friendly Mission: The Tasmanian Journals and Papers of George Augustus Robinson 1829-1834* (Hobart, 1966), p.24.

²² Plomley, *Friendly Mission*, p.24.

Sorell's proclamation of 19 May 1817 might have had some effect, as according to an editorial in *The Hobart Town Gazette* on 25 April 1818, there was 'heartfelt satisfaction that the hatred [was] in some measure gradually subsiding',²³ and several of the Aborigines seen about the town and environs obtained 'subsistence from the charitable and well disposed'. Their plight was noted, and the question was asked whether or not they would be able to raise themselves from their 'sad condition', because as 'helpless members' of society, they needed protection.²⁴

These were the 'tame mobs',²⁵ survivors of the bands whose territories were, by then, occupied by the urban areas of Hobart Town, Richmond and Launceston. The most prominent tame mob traversed the country between Risdon and Pitt Water in the summer, and returned to the east coast in winter. It was led by Musquito, an Aborigine from the Broken Bay tribe north of Sydney, who, along with another Aborigine, Bulldog, was found guilty of murder. In 1813, after the death of Bulldog, Musquito was transported to Port Dalrymple with evacuees from Norfolk Island,²⁶ and was assigned to Mr. Kimberley of Antill Ponds, where for some years he conducted himself 'tolerably well, or so carefully guarded his acts as to keep out of the hands of the constable'.²⁷ He was also employed to track bushrangers with some success, and in 1818 was sent to Hobart Town, where, according to James Bonwick writing in 1869, he 'formally connected himself with some half-civilized, *alias*

²³ *HTG*, 25 April 1818 p.2, col. 2.

²⁴ *HTG*, 25 April 1818 p.2, col. 2.

²⁵ Ryan, *The Aboriginal Tasmanians*, p.79.

²⁶ J. Bonwick, *The Last of the Tasmanians, or, The Black War of Van Diemen's Land*. First published 1870. Facsimile edition (Adelaide, 1969), pp.92-98; Schaffer & McKay, *Exiled Three Times Over*, p.229.

drunken, Aborigines, who hung about the town, over whom, by his superior intellectual energy, he established his authority'.²⁸

Musquito became an acknowledged chief among the Aborigines, with some travelling from distant areas to place themselves under his command. Many murders were attributed to him, and, according to one settler who lived near Port Sorell, he and his tame mob killed six stock keepers in March 1824.²⁹ Tom Birch, a 'young Native' who had been raised by the Birch family of Hobart Town 'from boyhood', joined Musquito in 1822.³⁰ The Birch household members spoke fondly of Tom, by his 'attendance at church and general deportment he gave promise of true civilization. But in an evil hour Musquito made his acquaintance. He poisoned his mind against Europeans'. Musquito and his companions believed that permanent compensation in the form of provisions was barely sufficient payment for the dispossession of their land,³¹ and their determination for better compensation might be one explanation for the murders.

The apparent calm of April 1818 changed in 1819, and as a consequence, Sorell found it necessary to issue a Government Order. He made it clear that the behaviour of settlers and their servants was unacceptable because of their wanton cruelties and killings, and their abduction of Aboriginal children. He knew of no evidence that

²⁷ Bonwick, *The Last of the Tasmanians*, p.92.

²⁸ Bonwick, *The Last of the Tasmanians*, p.93.

²⁹ Bonwick, *The Last of the Tasmanians*, pp.94-6; CSO 1/323, pp.315-7 J. Scott; *HTG*, 25 April 1818 p.2, col. 2.

³⁰ Bonwick, *The Last of the Tasmanians*, p.95.

³¹ Bonwick, *The Last of the Tasmanians*, pp.94-6.

indicated the Aborigines were seeking opportunities to destroy the settlers and stock; instead, he thought they were placid when they were not attacked, and it had been shown that there was hope of conciliation. Sorell explained that the progressive occupation of the country would lead to increasing contact with the Aborigines, so any action on the part of the settlers and their servants likely to make them think that they were about to be molested must be avoided. This order by Sorell is highly significant, as he is openly recognizing that the extension and progressive occupation of land was likely to produce clashes. Whilst he hoped such clashes might be avoided by restraint on the part of settlers, he did not advise restraint in the rate of the expansive occupation of land.³²

It appears that Sorell might have been prompted by the abduction of two Aboriginal children in the Plenty district, after which he ordered that no person was allowed to retain Aboriginal children unless it could be clearly proved that he or she had received consent of the parents or the child had been 'found in a state to demand shelter and protection'.³³ There are two sorts of evidence which show that most of the children were full bloods; one, the records of baptisms, the other the names of children living with settlers. Plomley and Henley recorded details of forty-nine children who were baptised between 1810 and 1836 and the youngest, Joshua Van

³² *HTG*, 13 March 1819 p.2, col. 1 and *HTG*, 27 March 1819 p.1, col. 2.

³³ Plomley, *Friendly Mission*, p.27.

Diemen was only eight months old when baptised in April 1819.³⁴ Eighteen of the baptisms were during the time of Sorell's administration.³⁵

Some agriculturists were attracted to Aboriginal children as a labour force, and for a while some mutual arrangements existed in which children were 'lent' in exchange for provisions. However, by 1816 in the areas where kidnapping had become widespread, the Aborigines retaliated by various actions including raiding huts for provisions, spearing and driving away cattle, burning haystacks, and harassing stockmen. Despite proclamations by both David Collins and Davey condemning kidnapping, by 1817 there were at least fifty Aboriginal children in the homes of settlers.³⁶ Some arrangements were long-term as shown in February 1831, when Major Abbott supplied the Colonial-Secretary with details of six half-caste females who were living with families in Launceston, five of whom had been with foster parents since 1827 or earlier.³⁷ The reasons for these situations is unknown; however, they might have been the consequence of tribal breakdown. Whilst living with foster families could have been an important means of assimilating the Aborigines into the European community, it also served to upset relations between the two races.

³⁴ Plomley and Henley, 'The Sealers of Bass Strait and the Cape Barren Island Community', *THRA P&P*, 37.2 and 37.3, pp.61-3.

³⁵ J.T. Bigge, *The Bigge Reports Volume 3. Report of the Commission of Inquiry on the State of Agriculture and Trade in the Colony of New South Wales*, 1823 (Adelaide, 1966), pp.80-81 Bigge reported that between 12 March 1804 and 31 December 1819, of the 685 children baptised in Hobart Town, 26 were Aborigines. No registers were kept in the County of Cornwall.

³⁶ *Van Diemen's Land. Return to an Address of the Honourable The House of Commons, dated 19th July 1831; - for, Copies of all Correspondence between Lieutenant-Governor Arthur and His Majesty's Secretary of State for the Colonies, on the subject of the Military Operations lately carried on against the Aboriginal Inhabitants of Van Diemen's Land*. London, 1831. Facsimile edition, cited hereinafter as *Military Operations* (Hobart, 1971), p.36; *HTG* 31 August 1816 p.1, col. 1.

In keeping with Governor Macquarie's policy of 'civilizing' Aborigines who came within the sphere of European settlement, Sorell ordered that all Aboriginal children living with settlers must be sent to the Chaplain for care and be placed in the Orphan School.³⁸ By 1820 the Colonial Chaplain Robert Knopwood was responsible for at least twelve children, seven of whom were baptised. As an experiment in instructing and civilizing the Aborigines, in 1821 Sorell sent two Aboriginal boys to England. Both had been found in the woods by settlers' servants, and 'appeared abandoned',³⁹ due probably to the sudden approach of the servants. One died soon after they arrived in England, and it seems likely he had been known there as William Thomas Derwent.⁴⁰ The other one, George Vandiemmen, who returned to Hobart Town in February 1827, had been 'taught his letters and his prayers', was obedient, was 'weaned from his wandering habits' and was 'tolerably cleanly'. He died ten months later in Hobart Town.⁴¹

Black Mary, already referred to in Chapter 2, was a young Aboriginal woman who for three years, cohabited with the bushranger Michael Howe. After Howe's escape and Mary's capture, she apparently felt no loyalty to him, because as a tracker, she assisted Sorell in pursuit of bushrangers. In August 1817, with another Aboriginal

³⁷ CSO 1/322/7578 pp.132-3; CSO 66/1 cited Plomley, *Friendly Mission*, pp.445-7 n107.

³⁸ Details on Macquarie's school policy follow.

³⁹ CSO 1/322/7578 pp.132-3.

⁴⁰ Plomley, *Friendly Mission*, p.475 n278; Ryan, *The Aboriginal Tasmanians* p.79; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 17 February 1819, p.300 Knopwood 'xtianed a native boy who was unwell' and 18 April 1819, p.304 Knopwood 'xtianed two native black children at Govmt. House'.

⁴¹ Plomley, *Friendly Mission*, pp.475-6 n278.

woman, Mary helped soldiers capture two men who had carried out raids on settlers at Clarence Plains. Just two months later, Mary was sent to Sydney as a crown witness in cases against three men who had been members of Howe's gang, and on return to Hobart Town, she was victualled from the store and received indulgences in clothing.⁴²

In line with Macquarie's instructions to Sorell to treat the Aborigines with friendship and kindness, it is known that Sorell arranged for medical help. One such instance was in 1819 when Surgeon Luttrell ran a temporary hospital for Aborigines at the mill built by Arnold Fisk at Hobart Town, where, as well as medical aid, the patients were supplied with shelter and food.⁴³ Luttrell was one of the settlers who adopted an Aboriginal child. The child, known as Teague, was responsible for capturing Musquito in 1825.⁴⁴

Sorell does not seem to have considered the idea of Aboriginal reserves, in contrast to Macquarie, who provided a farm at Middle Cove, land at Blacktown, a school at Parramatta,⁴⁵ and at Elizabeth Bay he set land aside for a 'native institution'.⁴⁶ All were actions which could be seen as moves towards conciliation. According to

⁴² *HTG*, 16 August 1817 p.2, col. 2, *HTG*, 6 September 1817 p.1, col. 1; *HTG*, 18 October 1817 p.1, col. 2. *HTG*, 3 July 1819 p.1, col. 2. The men were Collier, Hillier & Watts. Mary died 29 June 1819.

⁴³ *HRA* III, ii p.748 Sorell to Luttrell, 7 December 1819; Robson, *A History of Tasmania I*, p.49.

⁴⁴ H. Melville, *The History of Van Diemen's Land from the year 1824 to 1835 inclusive during the administration of Lieutenant-Governor George Arthur* (Sydney, 1965), note on p.37.

⁴⁵ C. Liston, 'Colonial Society' pp.32-3 in J. Broadbent and J. Hughes (ed.), *The Age of Macquarie* (Carlton, 1992).

⁴⁶ J. Ritchie, *Lachlan Macquarie: A Biography*, (Carlton, 1986), p.223 and M.H. Ellis, *Lachlan Macquarie: his life, adventures, and times* (Sydney, 1970), p.522, that the land was used by Brisbane for a lunatic asylum before Darling bestowed it upon his family friend and Colonial-Secretary Alexander McLeay. *HRA* I, x p.677 Macquarie to Bathurst, 22 July 1822.

Commissioner Bigge, the school at Parramatta was established by Macquarie in 1814, with the 'commendable view' of endeavouring to improve the condition of the Aborigines.⁴⁷ In March 1820, Mikhail Nikolayevich Vasil'yev, the Russian commander of an Arctic expedition visiting Sydney, thought that Macquarie's efforts to educate the Aborigines and to attach them to the Europeans had 'been in vain'.⁴⁸ However, Vasil'yev then gave what appears to be his support of Macquarie's efforts at education. Vasil'yev recorded in his journal how he saw several children of Aborigines in a school at Parramatta where they occupied themselves with the 'growing of kitchen vegetables, and with agriculture, as well as with their studies'.⁴⁹

In April 1820 Faddey von Bellingshausen, who was from a distinguished Baltic family which had, since 1711 served the Russian Crown, visited a Parramatta school which had been established by Macquarie, for 'young daughters of native inhabitants of New South Wales'.⁵⁰ According to Bellingshausen, the girls were 'cleanly dressed' and had been taught to 'read, write, draw and sew'. When their education was complete, they were free to marry Europeans 'by mutual consent', and also according to Bellingshausen, there was a similar school for the 'native boys of New Holland'.⁵¹ In June 1822, Akhilles Pavlovich Shabel'sky who was an interpreter aboard the Russian ship *Apollon*, described the institution at Parramatta as being 'more an experiment than an actual school', and he did not think that it served to

⁴⁷ Bigge, *Report 3 Trade and Agriculture*, p.73

⁴⁸ G. Barratt, *The Russians at Port Jackson 1814-1822* (Canberra, 1981), p.12.

⁴⁹ Barratt, *The Russians at Port Jackson 1814-1822*, p.27.

⁵⁰ Barratt, *The Russians at Port Jackson 1814-1822*, pp.11, 34.

⁵¹ Barratt, *The Russians at Port Jackson 1814-1822*, p.34.

‘show any obvious goodwill towards the natives on the Government’s part’.⁵² The thirteen pupils were ‘half-castes, off-spring of English fathers and native mothers’, and Shabel’sky thought that ‘instead of giving them a simple education’ the authorities were ‘attempting to fill their young heads with profound truths’.⁵³

The historian John Ritchie described Macquarie’s action: he ‘voiced the view, liberal in its day, that gentleness, encouragement, and the hand of time would bring a degree of civilization to a people whom he described as unenlightened’.⁵⁴

Macquarie’s wife, Elizabeth, arranged annual feasts of roast beef, plum pudding and beer for the tribes, gifts for the chiefs, and in order to show the ‘generosity of government’, the estranged children, ‘snatched from the wilds of barbarism’ and secluded in the ‘native institution’ were paraded before them.⁵⁵ Nonetheless, Macquarie’s attempts at civilizing were not always successful. The Kurringgai people were well known to the settlers of Sydney, who were disgusted that, despite three decades of contact, the Aboriginal people remained naked, and persisted with their wandering lifestyle.⁵⁶

In 1816, Macquarie’s attitude changed. Between April and November he sent military detachments on punitive expeditions against hostile Aborigines, and proscribed ten of them as outlaws with rewards on their heads. Therefore, according to modern historian John Ritchie, in effect if not intention, he sanctioned

⁵² Barratt, *The Russians at Port Jackson 1814-1822*, pp.13, 54.

⁵³ Barratt, *The Russians at Port Jackson 1814-1822*, pp.54.

⁵⁴ Ritchie, *Lachlan Macquarie: A Biography*, pp.132.

⁵⁵ J. Broadbent, ‘Macquarie’s Domain’, p.11 in Broadbent and Hughes, *The Age of Macquarie*.

indiscriminate slaughter of the tribes. Around the same time, Macquarie also directed his anger at others he considered to be troublemakers, amongst whom were emancipist farmers, ships' captains and surgeons, and a Catholic priest. These actions were at a time when power had partly corrupted him, but sickness had also contributed to his decline.⁵⁷ By December 1820, Macquarie was again exhibiting a Christian attitude: he provided land for the missionary Walter Lawry on which he planned to erect the first Wesleyan Chapel at Parramatta, and he told the Wesleyans to spread the gospel, particularly amongst the Aborigines. Macquarie's compassion lasted for two years, and at the time of his recall he expressed concern and an awareness that the European population and the progress of their agriculture and industry had created competition for the land on which the Aborigines' existence depended.⁵⁸

In Van Diemen's Land, opinions differed about Aboriginal reaction to European settlement. Some of the settlers' opinions of the situation prior to 1824 can be gauged from their answers given to questions from members of the Aborigines Committee of 1830. By 1829 Lieutenant-Governor George Arthur was so harassed with accounts of robberies, arson and murders committed by the Aborigines, that he nominated a committee for handling such matters. Not all settlers gave evidence before the committee as many were highly critical of its existence and therefore did not provide information. Of the settlers who did appear, they confirmed that in the

⁵⁶ Liston, 'Colonial Society', p.32.

⁵⁷ Ritchie, *Lachlan Macquarie*, p.152.

⁵⁸ Ritchie, *Lachlan Macquarie*, p.186.

remote areas there was very little interaction between settlers and their convict stock keepers and the Aborigines, but when the opportunity offered, neither side was exempt from aggression and hostility.⁵⁹

One settler at Port Sorell thought some of the hostility emanating from the Aborigines between about 1817 and 1821 was because the bushrangers unnecessarily fired at them, while Edward Frank, a settler at Green Ponds, believed that where there were instances of aggression by the Aborigines it was caused by fear. Other settlers gave evidence of how some Aborigines were in the habit of visiting the farms of settlers where they were given bread and clothing; they seemed satisfied with the conduct of the settlers, and were convinced that there was an intention on the part of many of the respectable settlers to treat them with kindness.⁶⁰

Instances of treachery by the Aborigines were also reported. According to Thomas Anstey, Sorell told him that treachery was a distinguishing feature of the 'savage character', and as a result, he advised Anstey to discourage visits to his home, which was in the remote region of Oatlands.⁶¹ Generally, it was accepted that the situation in the settled areas was different from that in the remote regions, because with the exception of the tame mobs who developed a 'spirit of mischief', not many Aborigines went near the settled parts of the colony. A lack of confidence was thought to be one reason that prevented some from contact with the settlers, while

⁵⁹ CSO 1/323 pp.320-5 Captain Clark; pp.347-9 Major W. Gray; pp. 315-7 J. Scott; pp.351-4 James Cox.

⁶⁰ CSO 1/323 pp.315-7 Scott; pp.306-12 Frank pp.295-7 Patrick Wood; pp. 288-94 Richard Levy.

⁶¹ CSO 1/323 pp.335-7 Thomas Salmon; pp.339-45 Anstey.

those who ventured into the settled areas were acquainted with the disposition of the government and community to treat them with kindness.⁶²

ABORIGINAL POPULATION

There are no firm statistics concerning the numbers of Aborigines in Van Diemen's Land at any period between 1803 and 1831; estimates vary widely, and the range reflects a continuing historical problem without any basis of accurate reporting or systematic records. Perhaps the best overview of the problem is presented by Brian Plomley, who concludes that the Aboriginal population in Van Diemen's Land before European contact is 'quite unknown'.⁶³ According to Plomley it has been 'variously estimated at numbers between 700 and 20,000, but these are nothing more than guesses'.⁶⁴ Plomley further reasoned that 'neither the generally small number of natives seen by the early explorers nor the size of the mobs reported by the settlers are much of a guide'. The early explorers only saw the Aborigines of the south-east and east coast areas, and reports of the settlers were likely to be exaggerated, especially when they related to conflicts.⁶⁵

Modern historians Peter Chapman and Tim Jetson cite the problems of achieving accuracy at the time of European settlement as they compare Arthur's estimate of 2,000 with 4,000 of Plomley.⁶⁶ Lyndall Ryan estimated an original population of

⁶² CSO 1/323 pp.295-7 Frank and Wood, pp.295-304.

⁶³ Plomley, *Friendly Mission*, pp.18-9.

⁶⁴ Plomley, *Friendly Mission*, pp.18-9.

⁶⁵ Plomley, *Friendly Mission*, pp.18-9.

⁶⁶ *Historical Records of Australia Series III Volume viii* (forthcoming publication) n.492.

4,000 which dropped to below 2,000 by 1818,⁶⁷ whereas 1817 is the only year for which figures are given in the *Statistical Tables of Van Diemen's Land or Tasmania 1804 to 1823*, for which year the population was estimated at 7,000.⁶⁸ This figure is much higher than most estimates, and if it is correct, means an annual average decrease in the Aboriginal population between 1817 and 1824 of 950 people. More detailed figures are given in Table 7:1.

In the 1980s, Plomley used the records left by early explorers who had some contact with kangaroo hunters and sealers during the two or three years preceding 1803, in an attempt to calculate what the population had been at the time of European settlement. He based his estimate on fifty-seven tribes, each consisting of between seventy and one hundred people, and he also allowed for incomplete records relating to inland tribes. Using this method, Plomley's result was 5,500, further illustrating the difficulty of deciding on an accurate population. Plomley also concluded that a figure close to 1,500 (at least 600 in the east and more than 1,200 in the west) was realistic for 1824. He plotted a line between his figures with the result that there was a steady decline in the population and not a sudden loss due to epidemics of fatal diseases.⁶⁹ Alternatively, H. M. Hull's figures show a massive decrease in the

⁶⁷ Ryan, *The Aboriginal Tasmanians*, p.79.

⁶⁸ *Statistical Tables of Van Diemen's Land or Tasmania: From the date of its first occupation by the British nation in 1804 to the end of the year 1823*. Compiled from official records in the office of the Colonial Secretary by Hugh M Hull, and published by order of His Excellency H.E.F. Young, KNT, Governor-in-Chief of Tasmania. (Hobart Town, 1856), p.8; H.M. Hull, *Statistical Summary of Tasmania from the year 1816 to 1865 inclusive. Compiled from government gazettes, blue books and statistical tables*. (Hobart Town, 1866), Table 8 lists 7,000 Aborigines in 1817.

⁶⁹ Plomley, *The Aboriginal/Settler Clash in Van Diemen's Land 1803-1831*, pp.10, 11, 25, 27, 29.

Aboriginal population, averaging about 950 per year between 1817 and 1824.⁷⁰ Such an apparent loss of life does not equate with reported conflicts or known deaths.

The first fifteen years of settlement brought no known epidemics, in contrast to Sydney, where in 1789 an outbreak of smallpox severely depleted the Aboriginal population. According to Sorell in 1819, although venereal disease possibly resulted in a fall in reproductive activity, and the Aborigines were susceptible to a 'Cutaneous disorder', otherwise they were in 'good health'.⁷¹ It is possible that it was this 'disorder' about which Widowson commented in his publication of 1829. There he described the 'most loathsome ulcerated sores', which the colonial-surgeons called 'bush-scab' and Widowson thought was caused by a filthy mode of life.⁷² In 1824 a settler at Ross noted that the Aborigines were covered with what he thought was leprosy.⁷³

LAND OCCUPATION AND DISPOSSESSION

The circumstances surrounding the surveying and granting of land have already been discussed in a previous chapter and the areas granted and under cultivation are shown in the following table. Care needs to be taken in interpretation as land listed as being granted, did not necessarily mean it had been 'improved', as the area under

⁷⁰ *Statistical Tables of VDL 1804 to 1823*, Table No 17 shows an 1824 population of 180 males and 160 females, and 100 males and 90 females in 1831 with a footnote: 'Prior to the year 1833, the number of the Aborigines appears to have been mere conjecture'. These figures agree with Hull, *Statistical summary of Tasmania, 1816 to 1865*, p.3.

⁷¹ *HRA* 111, ii p.750 Sorell to Surgeon Luttell, 7 December 1819.

⁷² H. Widowson, *Present State of Van Diemen's Land comprising an account of its agricultural capabilities and other important matters connected with emigration* (London, 1829), p.192

cultivation and that used for stock with any accompanying fencing had greater impact on tribal movement than that granted.

⁷³ D. Shelton (ed.) *The Parramore letters; Letters from William Thomas Parramore sometime private secretary to Lieutenant-Governor Arthur of Van Diemen's Land* (Epping, 1993), 4 August 1824 p.48, 10 November 1824 p.60.

Table 7:1

European and Aboriginal populations, reported incidents of conflict, and granted and cultivated land.

	<i>European pop.</i> ⁷⁴	<i>Aboriginal pop. Statistical summary</i>	<i>Aboriginal pop. Plomley</i> ⁷⁵	<i>Reported incidents</i> ⁷⁶	<i>Acres granted approx.</i> ⁷⁷	<i>Acres under cultivation</i> ⁷⁸
1815			3050	1	1370	
1816	1461 ⁷⁹		2878	4	4000	
1817	3114	7,000 ⁸⁰	2705	3	17300	4566 ⁸¹
1818	3240	2,000 ⁸²	2533	2	5790	5679
1819	4411		2361	6	4400	8330
1820	5400		2189	1	10090	9275 ⁸³
1821	7185 ⁸⁴		2017	0	47180	14940
1822	8422 ⁸⁵		1844	2	no grants	no return
1823	10009		1672	1	447406	20965 ⁸⁶
1824	12303	340 ⁸⁷	1500	11	43420	no return
1825	14192	320	1329	14	111939	no return
1826	14992	320	1157	29	60270	no return
1827	14883	300	985	72	77286	24,746

Conversion (approximately):

1 acre = 0.405 hectare (4050 m²), 1 rood = 1012.15 m², 1 perch = 25.3 m²

⁷⁴ See Hull, *Statistical Summary of Tasmania 1816 to 1865*, p.3 for population.

⁷⁵ Figures plotted from graph in N.J.B Plomley, *The Aboriginal/Settler Clash in Van Diemen's Land 1803-1831* (Launceston, 1966), p.29.

⁷⁶ Plomley, *Aboriginal/Settler Clash*, pp.26, 56-62.

⁷⁷ See Morgan, *Land Settlement*, p.166 for 1815 & p.168 for 1820-2; AO NSW SR 7/447 for 1816-9; LSD 354 for 1823; *Statistical Returns of Van Diemen's Land: From 1824 to 1839, compiled from official records in the Colonial Secretary's office.* (Hobart town, MDCCCXXXIX), Table 8 for 1824-6; Hull, *Statistical Summary of Tasmania 1816 to 1865*, pp.1-8 for 1827.

⁷⁸ Hull, *Statistical Summary of Tasmania 1816 to 1865*, p.4 except where shown otherwise.

⁷⁹ *Statistical Tables of Van Diemen's Land 1804 to 1823*, p.7.

⁸⁰ *Statistical Tables of Van Diemen's Land 1804 to 1823*, p.8.

⁸¹ *Historical Records of Australia. Series III.. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania. January-December 1820* (Sydney, 1921), p.584 General Muster, 14 September 1817.

⁸² Ryan, *The Aboriginal Tasmanians*, p.79.

⁸³ Bigge, *Report 3 Trade and Agriculture*, p.26.

⁸⁴ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume ix. January 1816-December 1818* (Sydney, 1917), p.578 Enclosure No. 3 in HRA I, ix pp.572-585 Macquarie to Bathurst, 30 November 1821, showing population from the 1821 General Muster.

⁸⁵ Nicholls (ed.), *Diary of the Reverend Robert Knopwood*, General Muster, November 1822, p.380.

⁸⁶ Nicholls (ed.), *Diary of the Reverend Robert Knopwood*, General Muster, November 1823, p.494.

⁸⁷ The 1824-27 figures agree with *Statistical Returns for Van Diemen's Land From 1824 to 1839* (Hobart Town, 1839), Table 17 between p.15 and p.16.

In 1820 land settlement was largely confined to two areas: the middle and lower reaches of the Derwent River and the estuary of the Coal River in the south, and the head of the Tamar River in the north. The rapid expansion in land alienation which followed in the early 1820s, and which therefore impacted on Aboriginal lands, was reported by Arthur in 1825 to have included 'all the best tracts which are comprised within the spacious valley extending from Hobart Town to Launceston'.⁸⁸ Today, in this main north-south corridor, the midlands area, the main agricultural activity is sheep farming, mainly for wool.⁸⁹

Around 1818 many of the free settlers qualified for substantial grants of land on the basis of the capital they brought with them. The geography of Van Diemen's Land largely dictated the direction in which the settlement spread, and led particularly to the opening up of the midlands along the line of the future Hobart Town to Launceston main road, and also reached into the eastern third of the colony. Generally the forested areas were unoccupied and it was therefore possible for the Aborigines to use them as bases for raids on settlers' huts. In his study of the Aboriginal and Settler clashes, Plomley found that from 1803 until 1823 there were thirty-seven documented clashes, while in the years between 1824 and 1827, as already detailed, the number of clashes increased.⁹⁰ Even though these figures are from reported attacks, and might be incomplete and unreliable, it is clear that the

⁸⁸ P. Scott, 'Land Settlement', in J.L. Davies (ed.), *Atlas of Tasmania* (Hobart, 1965), p.43. *2000 Pocket Year Book Tasmania* (Hobart, 2000), p.17 and p.22, the area of Tasmania (formerly Van Diemen's Land) excluding small islands is 63,447 km² (15,671,409 ac), and world heritage and parks 13,838 km² (3,418,146 ac); *HRA* 111, iv p. 315 Arthur to Bathurst 10 August 1825.

⁸⁹ *2001 Pocket Year Book Tasmania* (Hobart, 2001), pp.12-3.

⁹⁰ Plomley, *Aboriginal/Settler Clashes*, p.26, pp.56-62.

number of attacks jumped dramatically in 1824 and continued until a peak of 222 in 1830. Plomley's understanding was that the main catalyst for clashes was a fear of starvation by the Aboriginal people, a fear which was realized mainly through a decrease in the available number of kangaroos. As a result, the Aborigines attempted to remove competition, the settlers, from the remaining productive land.⁹¹

In March 1819, Sorell appeared to have a clear understanding of the effects of European settlement when he expressed the hope that there would be no injuries in the encounters which were becoming more frequent because of the 'extension of the Grazing Grounds, and progressive Occupation of the Country' which he saw as inevitable, but the situation might be moderated by restraint on the part of the settlers.⁹² However, the solution was not simple, as the British government was encouraging further expansion by a generous land grant policy, which Sorell, as an expansive Lieutenant-Governor, had no intention of curbing. Despite Sorell's realization of the problems, he did not formally warn the British government that the high rate of land grants might cause increased hostility by interfering in the free movement and food gathering of Aboriginal tribes.

Interestingly, Commissioner Bigge, who was in the colony for three months in 1820, only mentioned the Aborigines in two brief paragraphs: he described their character, and thought there was 'no reason to presume' they were numerous, or that they

⁹¹ Plomley, *Aboriginal/Settler Clashes*, pp.22-3.

⁹² *HTG*, 13 March 1819, p.2, col. 1 and *HTG*, 27 March 1819 p.1, col. 2.

would create any serious resistance to any future extension of settlement.⁹³ He distinguished them from the Aborigines of New South Wales by their ‘aversion to intercourse with the Europeans’, and also by their ‘spirit of hostility and revenge’ for an act of violence formerly committed on them.⁹⁴ Presumably Bigge was referring to a confrontation which occurred at Risdon in 1804.⁹⁵ Bigge nevertheless showed some understanding of tribal movement in New South Wales when he commented that:

as an unfettered range over a large tract of country seems to be indispensable to their existence, the black population will undergo a gradual diminution in proportion to the advances of the white population into the interior.⁹⁶

In the event, the observation was also to hold true for Van Diemen’s Land.

In accordance with the idea that in the settled districts Aborigines were acquainted with kindness, the Colonial Chaplain, Reverend Robert Knopwood frequently recorded their visits. Even in 1818 when the Aboriginal people had generally retreated from the settled areas, he noted in his diary how he, his ward Betsy, three men and four Aboriginal girls travelled six miles down the river to Crayfish Point where the girls successfully dived for ‘some very fine crayfish’. The same activity was repeated two days later, again with the catching of crayfish, while Knopwood caught rock cod and perch with a line and hook.⁹⁷ This seems to fit Ryan’s theory of payment for occupation when considering Knopwood’s situation, as two months later he was pleased that a fresh tribe of Aborigines visited him, and he gave bread to

⁹³ Bigge, *Report 3 Trade and Agriculture*, p.83.

⁹⁴ Bigge, *Report 3 Trade and Agriculture*, p.83.

⁹⁵ Previously referred to in this chapter.

⁹⁶ Bigge, *Report 3 Trade and Agriculture*, p.83.

the woman, five girls and two boys. According to his diary, four Aboriginal girls were staying at his home, 'Cottage Green', and by the end of the month his Aboriginal family had grown to ten girls and two boys, all of whom were supplied with clothes from the government stores. Their portraits were painted, and they were 'much pleased' with the results.⁹⁸

A positive experience was recorded by teacher and later editor of *The Hobart Town Gazette and Southern Reporter*, James Ross. About 1823 on his grant at the River Shannon, Ross was alarmed when three or four fires lit by the Aborigines threatened his corn crop and fences. When sixty Aborigines unexpectedly walked up to his cottage, he made them welcome with freshly cooked damper and potatoes, and in what Ross believed was an act of friendship, the 'whole tribe of blacks all at once come forward to assist' him in extinguishing the fire.⁹⁹ In another incident Ross helped them chase his ex-convict servant who had fired at them, after which, Ross said that he had an unbroken understanding and mutual friendship with the Aborigines, because, although while they were at other locations and committed the most dreadful outrages, they did not attack his farm or anyone belonging to it. However, Ross found that friendship was not always the case. In one such incident, a stock-keeper and a companion were speared several times.¹⁰⁰ In evidence to the Aborigines Committee, Captain Clark recalled the incident as being due to a stock

⁹⁷ Nicholls (ed.), *Diary of the Reverend Robert Knopwood* 24 and 26 March 1818, p.277.

⁹⁸ Nicholls (ed.), *Diary of the Reverend Robert Knopwood* 26 and 27 November 1818, p.294.

⁹⁹ J. Ross, *The Settler in Van Diemen's Land* (Extract from Hobart Town Almanack 1836). Reprint. (North Melbourne, 1975), p.84.

¹⁰⁰ Ross, *The Settler in Van Diemen's Land* p.85.

keeper named Jenkins who confined an Aboriginal woman in his hut for some days, always chaining her with a bullock chain to his bed post whenever he went away.¹⁰¹

ABORIGINAL HOSTILITY TO EUROPEAN OCCUPATION

Until the 1820s, Aboriginal hostility had been directed at individuals, and until about 1824, the common view amongst the colonists was that the Aborigines were mild and peaceful people. 'They are perfectly harmless, more from ignorance than any other cause', James Dixon wrote in 1822, 'a man with a single musket will make them run',¹⁰² and in evidence to Commissioner Bigge, John Wade a settler, said that since the area around Pitt Water had become densely populated, the Aborigines had not been troublesome. It was not quiet everywhere. In 1821, near Norfolk Plains, a new overseer arrived at the station of the expatriated Norfolk Islanders, and demanded a gin. Her husband protested, and as a result, he was brutally knocked down and the tribe driven off, from which time, according to Bonwick, they 'speared left and right'.¹⁰³ It was Patrick Wood's notion that the Aborigines showed a hostile disposition especially during the summer of 1823 when they murdered several men and plundered and burnt many huts.¹⁰⁴ In August the following year Arthur reported

¹⁰¹ CSO 1/323 pp.320-5 Clark's evidence.

¹⁰² J. Dixon, *Narrative of a voyage to New South Wales and Van Diemen's Land in the Ship Skelton during the year 1820 with observations on the state of these colonies, and a variety of information, calculated to be useful to emigrants. By James Dixon, commander of the Skelton with an appendix, containing Governor Mc Quarie's Report regarding Van Diemen's Land, Tables of the Population, List of Articles Suitable for Exportation etc. etc.* (Edinburgh and London, 1822), p.46.

¹⁰³ Bonwick, *The Lost Tasmanian Race*, p.71.

¹⁰⁴ CSO 1/323 pp.295-7 Patrick Wood.

to Bathurst on the 'late unusual hostile proceedings of the natives who have committed several murders'.¹⁰⁵

Beneath a seemingly calm surface there were already almost perceptible indications that the situation was far from tranquil. William Parramore, for instance, reported a significantly changing face of Aboriginal and settler relations. When selecting his grant in 1823 near Ross, he only had one fowling piece with which to defend his family against Aborigines and bushrangers, and this he thought unnecessary unless venturing into the Aborigines' neighbourhood. He knew of a tame mob which often went to Hobart Town, 'poor looking creatures', they built no houses, and were perpetual travellers who slept on rugs of kangaroo skins.¹⁰⁶ By the following year, the situation was worse when Parramore found the Aborigines hostile and showing less dread of fire-arms, he thought perhaps due to being led by Musquito. Musquito had the quality to assume the leadership of a group, acted as the catalyst and, according to Bonwick, he 'sent the Blacks to rob and slaughter'.¹⁰⁷ Just three months later Ross noted hostility when a tribe of sixty-six 'miserable looking beings' visited Hobart Town, and those who possessed any clothing only had a kangaroo skin thrown over their shoulders.¹⁰⁸

Relations between the Aborigines and the settlers had deteriorated, but the situation did not necessarily become evident in publications. Most were written primarily to

¹⁰⁵ HRA 111, iv p.162 Arthur to Bathurst, 15 August 1824.

¹⁰⁶ Shelton (ed.), *The Parramore Letters*, 23 July 1823 p.18, 13 August 1823 p.30.

¹⁰⁷ Bonwick, *The Lost Tasmanian Race*, p.95.

¹⁰⁸ Shelton (ed.), *The Parramore Letters*, 4 August 1824 p.48, 10 November 1824 p.60.

encourage free settlers, and very often situations were made to appear more attractive than they were. According to William Wentworth in 1819, the Aborigines had seldom or never been known to act on the offensive, except when they had met some of the persecutors singly, and two people armed with muskets could traverse the island from one end to the other in perfect safety. Edward Curr, who was the last person to publish a guide during Sorell's Lieutenant-Governorship did not even mention them. To Reverend John West, writing in 1852, because Curr did not even mention their existence, he found it 'difficult to imagine more decided proof' that at the time, the 'depredations of the blacks were neither numerous nor sanguinary'.¹⁰⁹ In March 1820 Vasil'yev provided his comparison between the Aborigines of Van Diemen's Land and 'those of New Holland proper'. As well as Van Diemen's Land having a more moderate climate and soil no worse, it also had 'better behaved natives'.¹¹⁰

According to the editor of *The Hobart Town Gazette* in July 1824, the local Aborigines had always been considered the 'most harmless race of people in the world'; and had 'never been known to show their revenge until within these last few months'.¹¹¹ Nevertheless, from the available evidence, it is clear that as the situation was deteriorating, neither side was exempt from aggression.

¹⁰⁹ W.C. Wentworth, *Statistical, Historical and Political description of The Colony of New South Wales, and its dependent Settlements in Van Diemen's Land: with a particular enumeration of the advantages which these colonies offer for emigration, and their superiority in many respects over those possessed by the United States of America*. (London, 1819) Facsimile reprint (Adelaide, 1978), p.117; J. West, *The History of Tasmania* A.G.L. Shaw edition (Sydney, 1981), p.266.

¹¹⁰ Barratt, *The Russians at Port Jackson 1814-1822*, p.27.

Plomley suggests that there is no evidence to support the belief that clashes were caused by any deep-rooted antagonism of the Aborigines towards the settlers. The nature of the early attacks support Ryan's theory of payment for unauthorized occupation and lost prestige, while other attacks were in retaliation for specific harm such as kidnapping of children and abduction of women. It is clear that broader hostility developed from the early 1820s as attacks became purposeful, being motivated by a need to drive settlers from their territories in order for the Aborigines to live their natural lives, as well as by the starvation which was the outcome of that territorial occupation. In attacks on settlers' huts, as well as taking food, the Aborigines also took blankets, and Plomley suggests that the taking of blankets may have filled a need created by the constant harrying which kept them on the move; having blankets meant the Aborigines could abandon camp at a moment's notice and still be warm, even if they had to do without fire because the smoke would attract pursuers to them.¹¹²

Henry Widowson gave two reasons for the decreasing Aboriginal population: the principal one was that they were 'driven about from place to place by settlers taking new locations', and the other was due to the 'great destruction of the kangaroo' which made it hard for them to procure sufficient food for their sustenance.¹¹³ Henry Reynolds appears to agree with an account of the outbreak of conflict which was provided by Richard Dry, who had been in the colony since 1807. Dry's conclusion was that until the early 1820s hostility had been directed at individuals, until which

¹¹¹ *HTG* 10 July 1824 p.2, col. 2.

time the Aborigines looked 'on the whole of the white population as enemies',¹¹⁴ and did not know of any benefit they might derive from living with the settlers on friendly terms. Reynolds believes that fierce competition over the use of, and access to land, underlay the escalating conflict which was a reason why the Aborigines were all equally affected and aggrieved by the rapid increase of settlers.¹¹⁵ Yet he does not mention the Aborigines on the far north-west and west coasts who would not have been as equally affected as the other areas of high European population.

The conclusion to be reached from the available evidence for the period during Sorell's administration shows that conflicts were over the taking of the Aborigines' natural food, the kangaroo, which preceded competition for occupancy of the land. This conclusion and also the conclusion that wanton attack and ill treatment by settlers was confined to only a few individuals coincide with those reached by Marie Fels in her study of the situation in the County of Buckinghamshire between 1803 and 1811.¹¹⁶ Meanwhile, spreading European occupancy increasingly interrupted Aboriginal tribal migration.

¹¹² Plomley, *Aboriginal-Settler Clash*, pp.22-3.

¹¹³ Widowson, *Present State of Van Diemen's Land*, p.192.

¹¹⁴ CSO 1/323 p.289 cited H. Reynolds, *Fate of a Free People*. (Ringwood, 1995), p.31.

¹¹⁵ Reynolds, *Fate of a Free People*, p.31.

¹¹⁶ Fels found that in contrast to New South Wales, competition for the food resource preceded competition for the land. The experience in Van Diemen's Land was singular, in no other region of Australia, Melanesia or Polynesia the European settlers competed immediately with the Aboriginal inhabitants for local, traditional food, see Fels, 'Culture Contact in the County of Buckinghamshire, Van Diemen's Land 1803-11', *THRA P&P* 29.2 (September, 1982), p.67.

On his departure from New South Wales in 1822, Macquarie recommended the Aborigines to the protection of his successor Sir Thomas Brisbane.¹¹⁷ It is unclear why on his departure, the only mention Sorell made of the Aborigines to Arthur was that they had been ‘very troublesome’¹¹⁸ to a temporary military detachment located at the Clyde River. Sorell also made known to Arthur that he intended to build a ‘Hut Barrack for a permanent station and a small Prison’ at the same location.¹¹⁹ It is unclear whether any building activity had started. If clearing of the land or any building had commenced, conflicts would presumably have been seen by the Aboriginal people as competition for land. Despite this being the only mention to Arthur of Aborigines, Sorell would necessarily have been preoccupied with other concerns including the bushrangers, escapes from Macquarie Harbour, defective personnel and understaffing in government departments, the expansion of industries, the massive increase in numbers of settlers and convicts arriving, as well as the personal aspect of his most unpopular recall.

Arthur’s primary concern was with the convict assignment system, so he might not have requested any information about the Aborigines. As the situation with the Aborigines was reasonably quiet in the settled districts, and some happily visited settlers in Hobart Town where, to some extent they had been ‘civilized’, any other mention of them was either deliberately or mistakenly left from Sorell’s report on the

¹¹⁷ Ritchie, *Lachlan Macquarie*, p.189.

¹¹⁸ *Historical Records of Australia. Series III Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825* (Sydney, 1921), p.149 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III iv pp.133-156 Arthur to Bathurst, 9 June 1824.

¹¹⁹ *HRA* III, iv p.149 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in *HRA* III, iv pp.133-156 Arthur to Bathurst, 9 June 1824.

colony. The true situation is unclear, made more confusing by a despatch Arthur wrote to Lord Bathurst on 15 August 1824 just two months after assuming control of the colony. Arthur considered that the settlers' fears were justified by the 'late unusual hostile proceedings of the Natives, who have committed several murders'.¹²⁰ The situation was, apparently, not as calm as it appeared from Sorell's report. In retrospect, Arthur's report suggests that the disruption caused by the pastoral expansion during Sorell's era was exerting critical pressure on the Aboriginal economy. As this pressure increased, it appears the Aborigines were belatedly perceiving the full impact of the settler occupation of pastoral Van Diemen's Land, and beginning to resist the settler dispossession of their nomadic culture.

¹²⁰ *HRA* III, iv p.162 Arthur to Bathurst, 15 August 1824. He was also concerned about the 'daring measures' pursued by the bushrangers, whose numbers had increased.

CHAPTER 8

THE BIGGE INQUIRY INTO SORELL'S VAN DIEMEN'S LAND

In an earlier chapter, reference is made to Secretary-of-State Bathurst, expressing regret in 1817 that transportation to New South Wales might no longer be an object of apprehension in Britain nor the means of reformation in the settlement.¹ He saw two possible solutions: the settlement could either be re-organized, and all the convicts subjected to strict discipline, regular labour and constant superintendence, or the system of unlimited transportation could be abandoned.²

Bathurst was not prepared to decide between the alternatives without current and detailed knowledge of the circumstances. He suggested the appointment of commissioners to proceed without delay to the settlement, with full power to investigate all the complaints about the treatment of the convicts and the general administration of the government. The commissioners were then to report any improvements and alterations of which they found the existing system susceptible, and the cost of such changes. In questioning whether the settlements of New South Wales and Van Diemen's Land, which at that time was a dependency of New South

¹ Henry Bathurst (1762-1834) was the third Secretary-of-State from 11 June 1812 until 29 April 1827. Between 1812 and 1821 the Colonial Office official who ran New South Wales, was Bathurst's Under-Secretary Henry Goulburn (1784-1856), see J. Ritchie, *Punishment and Profit* (Melbourne, 1970), pp.9, 11, 318. See Ritchie chapter 1 for staff details Colonial and Home Offices.

² *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume x. January 1819-December 1822* (Sydney, 1917), pp.807-23 Bathurst to Sidmouth, 23 April 1817.

Wales, and therefore included in the scope of any inquiry, should be a colony or a gaol, Bathurst contributed to a debate which extended from the 1770s until 1838.³

In September 1818 Colonial Office officials chose a single commissioner, John Thomas Bigge.⁴ Bigge's appointment surprised his contemporaries outside the Colonial Office, as they had little knowledge of the experience which made him suitable for the position. His selection was the result of a professional career in Trinidad, where in 1815 he had been appointed Chief-Justice and Judge of the Vice-Admiralty Court, and where he had examined the slave proprietors and reported on their returns. Eight months elapsed from his appointment before Bigge's departure for New South Wales, during which time he received briefings from the Colonial Office, and a clear indication of the trend of parliamentary thought on the antipodean gaol.⁵ As Bigge's secretary, Bathurst appointed Thomas Hobbes Scott, Bigge's brother-in-law, and Bathurst had sufficient confidence in Scott to direct that in the event of Bigge's death he should carry on his chief's work with equal authority.⁶

In his official commission dated 5 January 1819, Bigge was instructed to examine all the laws and regulations of the territory, everything connected with its administration, the superintendence and reform of the convicts, and the state of the

³ HRA I, x p.807 & Ritchie, *Punishment and Profit*, p.2.

⁴ CO 201/93, ff. 129-30, & BT Series 2, Box 74, doc. 11, 153 Bigge to Goulburn, 14 September, 1818 cited Ritchie, *Punishment and Profit*, p.51.

⁵ For details on his career in Trinidad, see report in Woodford to Bathurst, 30 October 1814 C.O. 295/33. PD (n.s.) 2 July 1823, vol. ix, p.1404, Colborne's speech both cited Ritchie, *Punishment & Profit* p.52 and *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume x. January 1819-December 1822* (Sydney, 1917), p.806 n3.

⁶ Ritchie, *Punishment and Profit*, p.57. In 1825 Scott returned to New South Wales as the first Archdeacon see R.W. Giblin, *The Early History of Tasmania. Volume 11* (Melbourne, 1939), p.222.

judicial, civil and ecclesiastical establishments.⁷ In defining the purposes of the inquiry, Bathurst stressed the need to examine whether the existing system of transportation was failing, and if so, Bigge was to recommend other places on the coast where the suffering of the convicts would not be divested of all salutary terror. He was also to enquire into the conduct of all officials in the colony, and also examine a variety of topics relevant to the advancement of the settlements as colonies of the British Empire. Two particularly significant topics were the adequacies of the courts of justice, and whether Van Diemen's Land needed a judicial system separate from New South Wales. Bigge was also to investigate the propriety of admitting into society those persons who originally came to the settlement as convicts.⁸ Bathurst notified Governor-in-Chief Lachlan Macquarie in Sydney, of Bigge's appointment, and instructed him to implement any reforms recommended by Bigge unless he had strong reasons against them.⁹

On 26 September 1819, after a voyage of five months, the *John Barry*, with Bigge and Scott on board, anchored in Sydney Harbour. Macquarie was at Windsor taking the general muster when Bigge arrived, but after his return, cordially received Bigge, though shocked, because he had little warning of the official inquiry, and could not understand why his own request to resign the governorship had not been acknowledged.¹⁰ However, Macquarie did not know that Bathurst's conciliatory

⁷ *HRA* I, x pp.3-4 Bigge's Commission dated 5 January 1819, Enclosure No. 1 in Bathurst to Macquarie, 30 January 1819 pp.2-11..

⁸ *HRA* I, x pp.4-11 Enclosure Nos. 2, 3, 4, dated 6 January 1819 in Bathurst to Macquarie, 30 January 1819 pp.2-11.

⁹ *HRA* I, x pp.2-3, Bathurst to Macquarie, 30 January 1819.

¹⁰ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume ix. January 1816-December 1818* (Sydney, 1917), pp.495, 501 Macquarie to Bathurst, 1 December

postponement of his resignation had strayed in the mail. Bigge and Scott remained in Sydney and the surrounding country areas until February 1820 when they travelled to Van Diemen's Land. In early June, they returned to Sydney for a further eight months, from where they departed on 14 February 1821 for England.¹¹

Bigge and Scott travelled extensively in New South Wales and Van Diemen's Land, and collected both oral and written evidence. Almost from the beginning, Bigge heard much of the extravagance of Macquarie and much on his controversial emancipist policy, but principally, he heard the demands of the settlers for more convicts. John Macarthur told Bigge that 'no occupation, except agriculture, is to be found at this period in New South Wales for any considerable number of convicts which would make a return to defray the cost of their provisions'; but they could cultivate 'land enough to furnish bread for ten times their number', and 'the labours which are connected with the tillage of the earth and the rearing and care of sheep and cattle are best calculated to lead to the correction of vicious habits'.¹²

John Macarthur thought that the 'indiscriminate granting of land to convicts' (presumably he meant ex-convicts) should be stopped, and they should not be allowed 'to roam through the colony' tempting servants 'to commit depredation upon

1817, Macquarie resigned in two communications, one public, one 'private'; p.839 Bathurst to Macquarie, 18 October 1818.

¹¹ D. Pike (General editor), *Australian Dictionary of Biography Volume 1 1788-1850 A-H* (Carlton, 1966), p.99; Giblin, *The Early History of Tasmania 11*, p.221.

¹² Bigge Appendix, A.49, 'Opinions of individuals on the management and discipline of convicts'; Macarthur to Bigge, 7 February 1821 CO 201/118, f.362 cited A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London, 1966), pp.93-4.

any property within their reach'.¹³ He also suggested that the British government should recommend land grants of not less than 10,000 acres to enable men with capital to become a powerful aristocracy. The convicts would therefore enable the settlers to grow wool; the manufacturers of Great Britain would buy the wool; the convicts would be reformed, and colonial society would develop into a plantation-type society. Bigge heard too, all the gossip, the personal feuds, frictions, grievances and petty disputes of both societies.¹⁴

Private differences between Macquarie and Bigge became embarrassingly public. Bigge rebuked Macquarie and elicited an apology from him for circulating to the magistrates and clergy a questionnaire on the state of the colony, in terms belittling his commission, so Bigge asserted. He was less successful in demanding ex-convict William Redfern's dismissal as magistrate, to which office Macquarie had insisted upon appointing him in spite of Bigge's disapproval.¹⁵ According to J.M. Bennett, writing in the *Australian Dictionary of Biography*, Bigge's methods of inquiry were not beyond reproach, and it was also common knowledge that evidence was taken informally, often in private, with no distinction between sworn and unsworn testimony. Bigge declined to be appointed a magistrate in case the necessity of giving all evidence to him on oath deterred some of the witnesses.¹⁶

¹³ Bigge Appendix, A.49, 'Opinions of individuals on the management and discipline of convicts'; Macarthur to Bigge, 7 February 1821 CO 201/120, f.127-140 cited Shaw, *Convicts and the Colonies*, pp.93-4.

¹⁴ See *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania January-December 1820* (Sydney, 1921), pp.215-508 for the evidence.

¹⁵ Pike (General editor), *ADB* Volume 1, pp.99-100.

After five months investigation in New South Wales, Bigge and Scott turned to Van Diemen's land and arrived at the Derwent River on 21 February 1820. From there, until 28 May, Bigge pursued his investigation in a colony that afforded him much contrast with what he had seen in New South Wales. He spent the first six weeks of his visit in the south. Hobart Town was the centre of his inquiries, and under William Sorell's guidance, he visited the outlying districts of Clarence Plains, Herdsmen's Cove, Black Brush, Green Point, New Norfolk, Pitt Water and Coal River.¹⁷ As in Sydney, Bigge commenced his investigation by examining the government officials. He learnt from Thomas Bell, Thomas Crowder, John Lakeland and George Read that Hobart Town presented a situation different to that in Sydney. In Hobart Town where there was no surplus convict labour, those convicts in government employment worked harder and were more severely disciplined than their counterparts in Sydney. They were employed mainly constructing roads and not extravagant public buildings.¹⁸

Bigge heard evidence from Police Magistrate Adolarus Humphrey, and Edward Abbott the Deputy Judge-Advocate, that assignment to settlers in the country was more conducive to the convicts' good conduct than if they remained in towns. He heard that an easing in access to liquor was the chief cause of crime, and emphasizing this, Humphrey expressed his satisfaction that no magistrate kept a licensed house. Abbott testified about the administration of justice. His evidence showed further contrasts between Van Diemen's Land and the parent colony. In the

¹⁶ Pike (General editor), *ADB* Volume 1, p.100.

¹⁷ J. Ritchie, *Lachlan Macquarie: A Biography* (Carlton, 1986), p.174; Ritchie, *Punishment and Profit* p.144.

former, no emancipist was made a magistrate, and Abbott did not believe that any was admitted into society or received at Government House, whereas in the latter, in line with his policy that emancipation and proven good conduct combined with re-admittance to society should lead a man back to his former rank in society.¹⁹

By 1810 Macquarie had admitted four emancipists to his table, one of whom was a justice-of-the-peace and magistrate, and as soon as vacancies occurred he intended to confer the same on another two.²⁰ Neither Sorell, nor his successor George Arthur, pursued this policy. In Van Diemen's Land Bigge found that the 'moral character' and the 'general condition' of the emancipated convicts to be 'lower than what it fairly may be taken to be' in New South Wales,²¹ however, he found two 'conspicuous exceptions'. They were John Wade and George Gatehouse. Gatehouse, the exception to Sorell's policy, had been invited to Government House 'on public occasions', and Bigge understood that his conduct was 'exemplary' at both public and private occasions. In general, Bigge commended 'the dictates of Sorell's own good judgement' in his policy on this matter.²²

In the matter so contentious in New South Wales, the matter of the admission of emancipists as attorneys, Bigge discovered that in Van Diemen's Land, Deputy

¹⁸ *HRA* III, iii, pp.230-245 Bell; pp.332-3 Crowder; pp.328-332 Lakeland; pp.333-5 Read.

¹⁹ *HRA* III, iii p.274 Humphrey to Bigge, 11 March 1820; p.259 Abbott to Bigge, 7 March 1820.

²⁰ D'Arcy Wentworth was principal surgeon and was not strictly an emancipist, see *HRA* I, vii p.809 n93. William Redfern was assistant-surgeon, Andrew Thompson was an opulent farmer, and Simeon Lord was an opulent merchant. Thompson was a Justice of the Peace and a magistrate, and Macquarie intended to confer the same on both Wentworth and Lord, see *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume vii January 1809-June 1813* (Sydney, 1916), pp.276 Macquarie to Viscount Castlereagh, 30 April 1810.

²¹ J.T. Bigge, *The Bigge Reports Volume I. Report of the Commission of Inquiry on the State of the Colony of New South Wales, 1822*. Australiana Facsimile Editions. No. 68. (Adelaide, 1966), p.143.

Judge-Advocate Abbott refused to allow emancipists to act as attorneys. Abbott believed them to be disqualified by law, and also, 'by reason of their former condition', they were unfit to conduct legal business.²³ He also revealed weaknesses in the legal system. He claimed there were no free inhabitants capable of acting as attorneys, he regretted the inconvenience this created, and as a result he had not held the Lieutenant-Governor's Court at Port Dalrymple through fear of neglecting his duties at Hobart Town. Abbott complained that convict and free men accused of murder, as well as free men accused of sheep stealing, were beyond the jurisdiction of his Court and they had to be sent to Sydney for trial.²⁴ Abbott's evidence induced Bigge to write to both Bathurst and Macquarie recommending the establishment of a criminal court in Van Diemen's Land. In the meantime, he suggested that Judge Barron Field and Judge-Advocate John Wylde extend their circuit to include the island.²⁵

Surveyor George Evans told Bigge about features of land granting. In contrast to New South Wales, Sorell at no time refused tickets-of-occupation to settlers who wanted temporary pasture in the interior for their flocks and herds, and it was a common practice for small settlers to sell their grants. Evans' claims were supported by farmers and they also held the same belief that many small farmers had proved to be successful because of the fertility of the island's soil. It was agreed that the district of Pitt Water was the best cultivated in the colony. However, due to price

²² Bigge, *Report 1, The State of the Colony of New South Wales*, p.152.

²³ *HRA* III, iii p.259 Abbott to Bigge, 7 March 1820.

²⁴ *HRA* III, iii pp.258-9 Abbott to Bigge, 7 March 1820; Ritchie, *Punishment and Profit*, p.145.

²⁵ Bigge to Bathurst, 24 August 1820, C.O. 201/142, ff. 79-85; Bigge to Macquarie, 16 June 1820, BT Box 23, pp.4451-8 both cited Ritchie, *Punishment and Profit* p.145.

fluctuations, and to the difficulty in gaining access to the Commissariat stores because of the distance from Hobart Town, the settlers saw distilling as a solution to the question of a market for their grain, but were sceptical as to whether the inhabitants would prefer malt liquor to Bengal Rum, a scepticism in no way shared by the brewer, George Gatehouse.²⁶

In addition, Bigge heard criticisms of the administration of the Hobart Town Commissariat; and from Deputy Assistant Commissary-General George Hull, he learnt that the government stores confronted problems similar to those in New South Wales. The practice of many settlers supplying limited quantities of wheat and meat was impractical and liable to corruption and abuse, and Hull suggested that the government would save at least 50% on wheat and about 25% on meat if it adopted a different practice and purchased from fewer individuals by contract.²⁷ Bigge also took evidence from the Naval Officer John Beamont, who believed that Bathurst's order of December 1817 prohibiting convict transport vessels from trading in the ports of New South Wales, was flouted in Hobart Town, and that the masters of such vessels illegally imported considerable quantities of spirits.²⁸

On 5 April, accompanied by Scott, Sorell and his secretary, and an escort of soldiers, Bigge left Hobart Town for the northern settlements. At George Town, the scene was different. There Bigge discerned the rudimentary problems of a society

²⁶ *HRA* III, iii pp.320-22 Evans to Bigge, 22 March 1820, pp.245-55 Gordon to Bigge, 3 March 1820, pp.310-16 Wade to Bigge, 20 March 1820, pp.358-61 Gavin to Bigge, 31 March 1820, pp.350-4 Gatehouse to Bigge, 29 March 1820; Ritchie, *Punishment and Profit*, p.146.

²⁷ *HRA* III, iii p.295 Hull to Bigge, 14 March 1820, pp.306-9 Rayner to Bigge, 28 March 1820. Rayner was a store-keeper at the commissariat; Ritchie, *Punishment and Profit*, p.146.

concerned with Aborigines, bushrangers and stock duffers; he discovered unprotected anchorage, poor soil and difficulty of transport. As a result, after his return to Sydney, Bigge recommended the suspension of the erection of public buildings at George Town and the removal of the headquarters from Port Dalrymple to Launceston, a decision which would antagonize Macquarie who, since 1811, had been insistent on his selection of Port Dalrymple as the northern capital. At the same time, Bigge gave his opinion that the only points in favour of George Town were its use as a station for the Naval Officer to protect the trade, and as quarters for a small military detachment to prevent the escape of convicts.²⁹ Overall, Bigge strongly approved of Sorell's administration of the colony, commenting on his acknowledged talents for public business.³⁰

This pleasing aspect notwithstanding, Bigge had also received 'special and confidential Instructions',³¹ from Goulburn, in which he was directed to enquire into Sorell's domestic situation.³² Particular details had come to Bathurst's notice in June 1818 from Sorell's wife, Harriet.³³ Harriet's desperate situation, which Bathurst thought for the most part to be true, induced him to direct that £100 a year be deducted from Sorell's salary of £800 for her maintenance.³⁴ Despite Bathurst's awareness of Sorell's personal situation, it appears that Sorell's administrative

²⁸ *HRA* III, iii pp.337-9 Beamont to Bigge, 25 March 1820, p.341 Beamont to Bigge, 27 March 1820.

²⁹ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825* (Sydney, 1925), p.885 n136; Ritchie, *Lachlan Macquarie: A Biography*, p.174.

³⁰ *HRA* III, iv p.683 Bigge to Bathurst, 3 February 1823.

³¹ *HRA* III, iv p.681 Bigge to Bathurst about Goulburn's instructions of 25 September 1819.

³² *HRA* III, iv p.681 Bigge to Bathurst about Goulburn's instructions of 25 September 1819.

³³ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819* (Sydney, 1921), pp.338-9 Harriet Sorell to Bathurst, 21 June 1818.

capabilities deterred Bathurst from action, as it was almost two years before he wrote to the Bishop of London informing him, that while he was aware of the complaints against Sorell's moral behaviour, he was reluctant to dismiss him before Commissioner Bigge had reported on his private character.³⁵

The day after Bigge's arrival in Hobart Town Sorell invited him to dinner at Government House. The invitation presented the commissioner with a problem as the fact of Sorell's adultery was established. As Bigge considered that Sorell's character and authority had been compromised within the walls of Government House, he told the Lieutenant-Governor that, in conscience and decency, he could not accept an invitation to dinner nor any mark of public attention from him at Government House.³⁶

In Sydney in 1808, Anthony Fenn Kemp, as a supporter of John Macarthur and a member of the New South Wales Corps, had been involved in the Rum Rebellion against Governor Bligh's attempts to stamp out the corrupt activities of the New South Wales Corps (102nd Regiment of Foot), and of the infant colony's aristocracy.³⁷ He had earlier participated in the pamphlet war which plagued Governor King, and was an administrator in Launceston between 1804 and August 1807. Kemp and his family returned to England in 1810 with the recalled 102nd Regiment, and gave evidence at the court martial of Major Johnstone. According to

³⁴ *HRA* III, ii p.337 Bathurst to Sorell, 6 August 1818.

³⁵ Bathurst to Bishop of London, 10 January 1820 BT Box 50 *Missionary* vol. ii pp.561-2 cited Ritchie, *Punishment and Profit* p.143.

³⁶ *HRA* III, iii pp.675-6 Bigge to Bathurst, 23 August 1820, *HRA* III, iv p.684 Bigge to Bathurst, 8 February 1823.

Nicholas Shakespeare, a Kemp descendant, 'Bligh had singled out Kemp as the person he particularly wished to see prosecuted for the mutiny', but 'Kemp managed to avoid punishment'.³⁸ Kemp traded as a merchant until he became bankrupt, from which he was released in April 1815 just before leaving for Australia. He returned to Van Diemen's Land in January 1816³⁹ where he was given an 800 acre land grant by Lieutenant-Governor Thomas Davey, and became a successful merchant and grazier. In 1816, Macquarie appointed him a justice-of-the-peace, but between 1817 and 1819, he was involved in a series of quarrels, first with Davey, and then with Sorell, and his criticism of government further intensified during Arthur's administration.⁴⁰

In May 1818, Sorell reported Kemp's misconduct, suspended him as a magistrate, and described him as the 'most seditious, mischievous and least deserving of favour or indulgence of any colonist in the entire settlement'.⁴¹ Macquarie 'highly approved'⁴² of Sorell's action, which, according to Macquarie, was also supported by Deputy Judge-Advocate Wylde. Macquarie thought that from the tenor of Wylde's opinion, rather than instituting criminal prosecution against Kemp, it would be better to treat his 'malicious slander with silent Contempt'.⁴³ Macquarie added his own description of Kemp. He found him insolent and turbulent, and the cause of

³⁷ R. Fitzgerald and M Hearn, *Bligh, Macarthur And The Rum Rebellion* (Kenthurst, 1988), pp.7, 94.

³⁸ N. Shakespeare, 'Kemp and Potter' in I. Jack (editor), *Granta 74: The magazine of new writing* (London, 2001), p.235. Article based on letters written between 1791 and 1825, many by Kemp.

³⁹ Shakespeare, 'Kemp and Potter', *Granta 74*, pp.235-7. According to personal communication with Kemp descendant Paul Edwards in May 2002, two of Kemp's children were born while he was in London, and he left his two oldest children, George Anthony and Elizabeth Julia (Betsy) there to be educated when he returned to Australia.

⁴⁰ D. Pike (General editor), *Australian Dictionary of Biography Volume 2 1788-1850 I-Z* (Carlton, 1967), pp.39-40; *HRA* III, iii p.215 Kemp to Bigge, 8 November 1819.

⁴¹ *HRA* III, ii pp.330-2 Sorell to Macquarie, 26 June 1818.

⁴² *HRA* III, ii p.350 Macquarie to Sorell, 24 September 1818.

⁴³ *HRA* III, ii p.351 Macquarie to Sorell, 24 September 1818.

‘unprovoked hostility’⁴⁴ - but at the same time cautioned Sorell against taking the ‘wily and obsessive’ Kemp to a court of law: for whenever Kemp considered his economic interests to be threatened in any way or his right to do what he liked checked or curbed, he reacted with explosive violence.⁴⁵ Typically, when Kemp was fined £5 for boarding a ship before it had been inspected by the port authorities, he fumed he would expose Sorell’s administration to the House of Commons. Kemp’s explanation for his action was that he was a British merchant and he would board a ship with goods consigned to him when and where he pleased and be damned to the government.⁴⁶

Probably in a spirit of retaliation, between March and November 1818, Kemp complained about Sorell to Henry Brougham in London.⁴⁷ It was Brougham who had advocated the cause of Kent against Sorell. Kemp also complained to the Bishop of London, twice to Lord Bathurst, and to Macquarie.⁴⁸ In later evidence to Commissioner Bigge, Kemp admitted that he had sent the letters, ‘conceiving it a Duty’ he owed his family. He felt it unnecessary to impress on the four influential men how important it was that a good example should prevail in the infant settlement. He called their attention to the fact that Sorell was living in open adultery with Mrs Kent ‘in *Government House!*’, they and the four or five children,

⁴⁴ HRA III, ii p.350 Macquarie to Sorell, 24 September 1818.

⁴⁵ L. Robson, *The History of Tasmania Volume 1: Van Diemen’s Land from the Earliest Times to 1855* (Melbourne, 1983), p.132.

⁴⁶ HRA III, ii p.783 n134; Robson, *The History of Tasmania Volume 1*, p.132.

⁴⁷ Henry Brougham M.P. was a distinguished barrister and future Lord Chancellor of England.

⁴⁸ See HRA III, iii p.221 Kemp to Bigge, 9 November 1819 where Kemp told Bigge that he had already addressed a letter on the subject to Earl Bathurst, the Bishop of London and also Mr. Brougham, HRA III, iii pp.916-7 Kemp to Macquarie, April 1818 Enclosure in Kemp to Bigge, 7 March 1820 pp.916-7; HRA III, ii pp.684-5 Kemp to Bathurst, 11 November 1818; HRA III, ii pp.686-7 Kemp to Bathurst, 15 November 1818.

one or two of whom were the children of Mr Kent, were ‘publicly parading about in the Government Carriage’, and Sorell was introducing Mrs Kent to the military and civil officers as Mrs Sorell. Furthermore according to Kemp, when he mentioned the matter to Police Magistrate Humphrey, he was told that the Lieutenant-Governor did not ‘care a fig for his private character’. The wording of Kemp’s complaints and criticisms was similar to the evidence he gave to Commissioner Bigge on three separate occasions in Sydney during November 1819, and which he concluded on 12 May 1820 in Hobart Town, when Kemp also told Bigge that on his return to Hobart Town he had observed a great change in Sorell’s behaviour towards him.⁴⁹

If Sorell’s attitude did in fact change towards Kemp, it is understandable, as, also according to Kemp, Sorell heard that he had been showing a copy of the *London Times* around with a report of the trial brought by Kent. This agrees with Bigge’s account, who told Bathurst that at the time of Sorell’s arrival in the settlement the circumstances of Sorell’s private life were not generally known, but when Kemp returned to Hobart Town after being in Sydney, he circulated the newspaper report of the trial.⁵⁰ As well as his personal attacks, Kemp also complained of alleged influence by Sorell in the law courts, and of his being illegally arrested for not complying with a government order. The arrest followed a charge of refusing to make police returns of his children, servants and strangers who resided with him on or before 20 August 1818.⁵¹ According to Bell, strict enforcement of the returns was

⁴⁹ *HRA III*, iii pp.916-8. Kemp’s evidence 8, 9, 12 November 1819 and 12 May 1820 see *HRA III*, iii pp.215-30; for ‘did not care a fig’, see J. Sorell, *Governor, William and Julia Sorell (Three Generations in Van Diemen’s Land)* (Bellerive, c1988), p.51 citing family papers.

⁵⁰ *HRA III*, iv p.681 Bigge to Bathurst, 3 February 1823.

⁵¹ *HRA III*, iii p.215 Kemp to Bigge, 8 November 1819.

necessary because of the great number of robberies which had occurred after the recent arrival of convicts, very few of whom had been taken by the settlers. When Kemp appeared before the Bench of Magistrates his manner was ‘very disrespectful’, and he stated that he would see whether the magistrates would ‘Dare to do their Duty’. Kemp was found guilty and received a token fine and prison term.⁵²

No doubt Bigge was intrigued in what Kemp had to say, because in the six months between Kemp commencing his evidence in Sydney and concluding it in Hobart Town, Bigge would have received Goulburn’s instructions. The information Bigge was given about Sorell obviously raised questions in his mind, because a week after Kemp’s evidence in Sydney, and before leaving Sydney, Bigge wrote to Sorell telling him that he would investigate Kemp’s complaints about him, but then added that his mind was free from prejudice on the subject of the complaints.⁵³

Paul B. Edwards, a modern descendant of both Sorell and Kemp, has shown that Kemp was married only once,⁵⁴ not twice as Kemp claimed. His so-called ‘first family’ was ex-nuptial. It consisted of a daughter, Emily Eliza Fenn Kemp, born at Parramatta on 4 June 1800, whose mother was almost certainly Judith Simpson, a convict, and a son, Anthony Fenn Kemp, born in England about 31 October 1801, whose mother was definitely Judith Simpson. In haste, Kemp married a brand-new acquaintance five weeks after his second arrival in Sydney from England. He knew

⁵² *HRA* III, iii pp.243-4 Bell to Bigge, 17 May 1820, ‘several’ others were also found guilty of not submitting returns and received the same punishment; Warrant & summons pp.907-9.

⁵³ *HRA* III, iii pp.640-1 Bigge to Sorell, 19 November 1819.

⁵⁴ In Sydney on 25 July 1802 to Elizabeth Riley. Information from personal communication with Paul Edwards on 20 December 2000.

that Judith Simpson's arrival from England with his son was imminent and by his sudden marriage, treated the mother of his two illegitimate children with calculated cruelty and contempt. He was, therefore, supremely hypocritical in bringing to the attention of both the authorities in England and the inhabitants of Van Diemen's Land, that Sorell was living with a woman who was not his wife.⁵⁵

As a result of his enquiries, in addition to the details submitted by Kemp, Bigge learned that Mrs Kent had also sat at the Lieutenant-Governor's table, a position which Bigge lamented, because he felt that Sorell had become so 'insensible to the circumstances of her, as well as his own situation' that he left no alternative to strangers between a sacrifice of their 'sense of propriety',⁵⁶ and of their sense of respect for his rank. Bigge also learned that Sorell was accompanied by Mrs Kent on horse-back in the streets of town. There was no choice of roads near Hobart Town by which a frequent meeting with individuals could have been avoided; however Bigge admitted that the hours chosen by Sorell and Mrs Kent were those in which the road was least frequently used. Despite this, Bigge had only met three individuals in the easy-going Hobart Town society 'who ever uttered a reproach against' Sorell for the circumstances of his private life.⁵⁷

⁵⁵ P.B. Edwards, *Of Yesteryear and Nowadays*, (Hawley Beach, 1994), pp.79, 104-9; also personal communication with Paul Edwards on 20 December 2000.

⁵⁶ *HRA* III, iv p.683 Bigge to Bathurst, 3 February 1823.

⁵⁷ *HRA* III, iv p.682. The three: Major Thomas Bell acting engineer and inspector of public works with a 'Temporary estrangement' from what Bigge believed was 'a growing indifference' by Sorell to the 'circumstances of his situation', Reverend Richard Hill a Church of England clergyman appointed to Sydney who arrived at Hobart Town on 18 June 1819, and had clashed with surgeon Charles Carter during their voyage over moral behaviour, see C. Bateson, *The Convict Ships 1787-1868* (Sydney, 1988), p.228; see also *HRA* III, iii pp.229-30, Kemp to Bigge, 12 May 1820; *HRA* III, iv pp.681-3 Bigge to Bathurst, 3 February 1823.

Although knowledge of the Lieutenant-Governor's adultery produced no decrease in the number of visitors at Government House, Bigge did suggest his conduct may have hurt the feelings of the respectable inhabitants, while in his behavior the worthless inhabitants found a pretext for their own repeated disregard of moral decency and domestic obligation.⁵⁸ Bigge regretted that Sorell held no expectation of any termination of his domestic relationship, and feared that habit might have made him oblivious to the claims of public feeling. The commissioner admitted that there were not many people in the colony who would be influenced by Sorell's example, but as the number and respectability of free immigrants increased, so the injurious effects of his conduct would be felt. In spite of this, outside Government House, Bigge took every opportunity of showing his respect for Sorell, and in fairness delayed transmission of his evidence on the consequences of Sorell's adultery for almost three years, and when he finally submitted it, it was after he had reported favourably on his official achievements.⁵⁹

In forwarding some 'observations of a confidential nature'⁶⁰ to Bathurst, Bigge considered that Sorell's salary of £800 did not appear to be adequate, especially because of the number of servants he employed, many of whom were convicts.⁶¹ According to Bigge, Sorell estimated that the allowance needed for his servants and forage for his horses totalled £700 per year. After considering the situation of allowances, Bigge thought that the manner in which allowances were made was

⁵⁸ *HRA* III, iv p.681 Bigge to Bathurst, 3 February 1823.

⁵⁹ *HRA* III, iv pp.681-5 Bigge to Bathurst, 3 February 1823; *HRA* III, iii pp.675-6 Bigge to Bathurst, 23 August 1820; Ritchie, *Punishment and Profit*, pp.143-4.

⁶⁰ *HRA* III, iv p.685 Bigge to Bathurst, 7 February 1823.

⁶¹ *HRA* III, iv p.686 Bigge to Bathurst, 7 February 1823.

unsatisfactory to officers of rank, as the method provided opportunities for ‘suspicions and observations’,⁶² however groundless any claims were in the minds of settlers. He recommended Sorell’s salary be increased to £2,000 per year with an adjustment in the rations and allowances, especially for furniture and forage.⁶³

While Bigge was in Sydney preparing for his return to England, Sorell indicated that he was preparing for a recall, as in a letter dated 1 February 1821 he appealed to Bathurst for continued support. He was conscious that he had in one instance incurred the ‘Censure of the World’, but before this he had twenty years of unblemished character, during which time he received the good opinion of some of the most distinguished people of the period. He hoped Bathurst would deem him worthy of public employment and would favourably consider his family and other demands which the loss of an official appointment would cause him, a plea which he continued until at least 1827.⁶⁴ Bigge’s report confirmed the truth of the allegations of Sorell’s private life, and six months later, on 26 August 1823, Bathurst was obliged to communicate the ‘painful necessity’⁶⁵ of appointing his successor. In spite of the personal nature of his recall, Bathurst was not aware of any circumstances in the administration of the colony for which Sorell was not entitled to claim his approbation. Bathurst had one final request to Sorell: that he ‘give every facility’ to his successor Colonel George Arthur.⁶⁶

⁶² *HRA* III, iv p.686 Bigge to Bathurst, 7 February 1823.

⁶³ *HRA* III, iv pp.686-7 Bigge to Bathurst, 7 February 1823.

⁶⁴ *HRA* III, iv pp.8-10 Sorell to Bathurst, 1 February 1821; CO 323/125 pp.622, 640-3, 658, 662.

⁶⁵ *HRA* III, iv p.85 Bathurst to Sorell, 26 August 1823.

⁶⁶ *HRA* III, iv p.85 Bathurst to Sorell, 26 August 1823.

Because of the time taken for mail to travel from Britain to Van Diemen's Land, it is reasonable to assume that Bathurst's communication crossed a 'private' letter which Sorell wrote in October 1823 to Under-Secretary Horton, in which he expressed the hope that Lord Bathurst would offer him another post. In support of his request, Sorell indicated that he was relying on his record of seven years of public conduct and administration, and also on the support he had received from two successive governors in Lachlan Macquarie and Thomas Brisbane. In his request for the goodwill and support of the minister, it is significant to note that he assured Horton that if he was selected for another appointment, 'it would be his care that *no question* as to Eligibility should in any shape attach' to him.⁶⁷ The historian R.W. Giblin understood this to mean that his 'domestic association' would discontinue if he received a new command.⁶⁸ There may be other explanations. It is not known when Harriet Sorell died. Her son, William, received letters from his mother, sisters and brothers⁶⁹ and from his father, his brother Edward and his sister Harriet,⁷⁰ therefore indicating that Harriet, his mother, was alive at the end of 1824. As William's diary gives no indication of the date Harriet wrote her letter, the assumption has been made that she wrote her letter relatively recently before the ship travelled, and that the ship was not unnecessarily delayed either before departure or on its voyage. Harriet was therefore alive when Sorell wrote to Horton in October 1823, but he may not have known this as word had circulated throughout the colony that she had died in May

⁶⁷ HRA III, iv p.90 Sorell to Horton, 10 October 1823.

⁶⁸ Giblin, *The Early History of Tasmania II*, p.382.

⁶⁹ *Diary of William Sorell 1 August 1823-12 August 1825*, entry for 18 April 1825, p.73.

⁷⁰ *Diary of William Sorell* entry for 1 July 1825, p.82.

1819.⁷¹ Palmer's Index to *The London Times 1790-1905* does not list either Harriet Sorell or Louisa Kent (as either Louisa Kent or Louisa Sorell), therefore giving no indication of their dates of death.⁷² There are two death notices in *The London Times* for a William Kent, neither of which appears likely to have been the husband of Louisa.⁷³

Other than in the circumstance of both Lieutenant Kent and Harriet Sorell having died, in order for Sorell and Mrs Kent to marry, it would have been necessary for them to divorce their respective spouses. This was unlikely, because it was not until 1857 that divorce became a recognized legal process when the 'Divorce and Matrimonial Causes Act' was passed.⁷⁴ In 1798 the British parliament regularized proceedings. The only way to obtain a divorce was for the applicant to first obtain an ecclesiastical court separation before personal attendance at Parliament to be examined on the case. The husband was only able to obtain divorce when the wife was convicted of infidelity, and the conduct of the husband was irreproachable. Divorce was only obtainable by the wife in cases of 'aggravated enormity', which precluded the possibility of any future reconciliation.⁷⁵

⁷¹ HRA III, iii p 221 Kemp to Bigge, 9 November 1819 Kemp said that Dr Bowman gave him the information.

⁷² Palmer's Index to *The London Times 1790-1905*. The only entries for the name of 'Sorell' are 'Kent v Sorell' for 'civil action' 7 July 1817, p.3, col. 3 and death notice on 26 February 1891 p.9, col. 6, of Colonel W.H.F. Sorell who had been in command of the troops at Sheerness. His connection to the Lieutenant-Governor is unknown.

⁷³ *The London Times* 29 March 1872, p.3, col. 6 death of an 84 year old, and 2 February 1875 p.5, col. 6 death of a 28 year old.

⁷⁴ L. Stone, *Road to Divorce: England 1530-1987* (Oxford, 1990), pp.7, 378-382.

⁷⁵ F. Gribble, *The Fight for Divorce* (London, 1932), p.190. Also see H. Finlay, 'Hapless Creatures and Bestly Propensities: The Introduction of Divorce into Tasmania in 1860', *Tasmanian Historical Research Association Papers and Proceedings*, 42.3, (September 1995), pp.127-148

Under-Secretary Horton's reply to Sorell's 'private' letter was dated 17 May 1824.

He assured Sorell that Lord Bathurst appreciated the 'zeal and ability' with which he administered the colony, and that it would afford his Lordship much satisfaction to avail himself of Sorell's further service when circumstances admitted. In the meantime, as it was 'very uncertain' when Bathurst might have the 'opportunity of conferring another Appointment' on him, and while he was unemployed in any public capacity, he would receive an allowance of £500 per annum from the colonial revenue.⁷⁶ Five months later Bigge recommended to Horton that Sorell receive arrears of £400 per annum in addition to his salary, to be calculated from the time of Bigge's departure from the colony in June 1820 until Sorell's own departure in June 1824.⁷⁷ Bigge's recommendation reflected his general approval of Sorell's character as 'a person so highly distinguished . . . by military as well as personal merit'.⁷⁸

Bigge and Scott left Sydney on 17 February 1821 to return to England. In the seventeen months he spent in New South Wales and Van Diemen's Land, Bigge had interviewed most of the free inhabitants, some fifty emancipists and hundreds of convicts, and accumulated over 15,000 pages of material of which the minutes of the oral evidence comprised about thirty per cent. After his arrival in England, he took twenty months to submit all his reports to the Colonial Office.⁷⁹

⁷⁶ *HRA* III, iv pp.131-2 Horton to Sorell, 17 May 1824; AOT GO 1/1 p 195, Bathurst to Arthur allowing the pension, 18 May 1824.

⁷⁷ CO 323/125 pp.649-50 Bigge to Sorell, 13 October 1824 from Cape of Good Hope.

⁷⁸ *HRA* III, iv p.682 Bigge to Bathurst, 3 February 1823.

⁷⁹ Ritchie, *Lachlan Macquarie: A Biography*, p.170. See Ritchie, *Punishment and Profit*, p.210, that there are over 15,000 pages in the Bonwick Transcripts at the Mitchell Library. The evidence which

Bigge began to correspond with Goulburn, recommending various urgent actions that he thought would benefit the colonies. He urged the removal of the 48th Regiment because of inadequate barracks, lack of discipline, and also the extended time the regiment had been in the two colonies had led the lower ranks to associate with the convicts. Bigge's recommendations ranged from the expediency of separating the government of Van Diemen's Land from the parent colony, to advising government to provide free passages for females to Van Diemen's Land under the supervision of the Guardian Society. He found that in the colony the disproportion between the sexes led to much evil, and it was difficult for the respectable settlers to obtain decent female servants. In keeping with his moral course, he also suggested that Reverend Bedford be sent to Hobart Town.⁸⁰

In reporting to Bathurst in 1823, Bigge dwelt on the limited nature of Sorell's powers. After July 1820 Sorell had been given the authority to locate land to settlers on their arrival, but his authority was still subject to the approval of the Governor-in-Chief, which also applied to the revocation of assignments and also the resumption of land grants. He was not permitted to '*undertake any work*' involving public funds or the labour of convicts without previous approval.⁸¹ Only small disbursements could be made on his own authority, and all accounts had to be submitted to Sydney. Bigge believed that the state of dependence on New South Wales was seriously felt

Bigge collected was written in long hand on paper of various sizes: foolscap, quarto and much of it 8" x 5½" .

⁸⁰ BT Box 27, pp.6453-4 Bigge to Goulburn, 17 August 1821 and pp.6475-7, 31 October 1821 both cited Ritchie, *Punishment and Profit*, p.210; BT Box 28 pp.6701-2 Bigge to Horton, 26 August 1822 and Bigge to Goulburn, 20 October 1821 about the Guardian Society; BT Box 27 pp.6473-4 Bigge to Goulburn, 20 October 1821 all three cited Ritchie, *Punishment and Profit*, p.212.

⁸¹ *HRA* III, iv p.695 Bigge to Bathurst, 11 February 1823.

especially in the distribution of convicts, and in the appropriation of the stores sent out by government, in which Van Diemen's Land until recent times had partaken very sparingly. Such circumstances, he believed, had generally been attributed by the settlers to a certain degree of jealousy of the rising prosperity of Van Diemen's Land.⁸²

Bigge prepared three reports which were printed by the House of Commons.⁸³ These collectively prompted the insertion in the *New South Wales Act*, of clauses to set up limited constitutional government through a nominated Legislative Council, to establish Van Diemen's Land as a separate colony, to enable extensive legal reforms and to make new provisions for the reception of convicts from England. Bigge showed Bathurst that New South Wales was capable of providing a punishment which would be an object of terror, but first it would be necessary to make changes in Macquarie's administration. Whereas Macquarie believed in leniency, Bigge recommended the maintenance of severity as a necessary part of penal discipline, to render the punishment of transportation both a deterrent to offenders in Britain, and the means of reforming those sent to the colonies. Nevertheless, though Bigge approved of severity, he did not condone cruelty; he thought that corporal punishment degraded both the flogger and the flogged, that its effects varied with the character and bodily strength of each felon, and that it made little impression on

⁸² *HRA* III, iii p.39 Goulburn to Sorell, 24 July 1820; *HRA* III, iv pp.695-7 Bigge to Bathurst, 11 February 1823.

⁸³ J.T. Bigge, *The Bigge Reports Volume 1. Report of the Commission of Inquiry on the State of the Colony of New South Wales 1822*. Facsimile edition (Adelaide, 1966); J.T. Bigge, *The Bigge Reports Volume 2. Report of the Commission of Inquiry on the Judicial Establishments of New South Wales and Van Diemen's Land, 1823*. Facsimile edition (Adelaide, 1966); J.T. Bigge, *The Bigge Reports*

those convicts who were forced to watch their fellows' agonies. Bigge recommended that corporal punishment should not be inflicted where milder punishment, such as physical labour, could be resorted to with the desired effect.⁸⁴

The Commissioner realized the inconvenience that was caused by the structure of the judicial system, in having to travel from Van Diemen's Land to Sydney in order to have a case heard, and he recommended 'an immediate and entire separation of the criminal jurisdictions' of the colonies.⁸⁵ Largely due to the reports of Bigge, an Act was passed by the English parliament in 1823 to provide 'for the better administration of justice in New South Wales and Van Diemen's Land'.⁸⁶ The 44th clause in the Act⁸⁷ established the independence of Van Diemen's Land. Through a series of administrative decisions, whereas New South Wales had been treated as a penitentiary for convicts, from 1823 it was to be treated as a British colony. The Act was adopted and passed during the administration of Sorell, but effect was not given to it until after the arrival of Arthur.⁸⁸

The settlers in Van Diemen's Land had also been agitating for trial by jury. They felt the need for a court of appeal in Van Diemen's Land which would alleviate unnecessary delay and expense in travelling to a court of law in Sydney. A petition dated 2 August 1823 and addressed to Earl Bathurst, called his attention to the

Volume 3. Report of the Commission of Inquiry on the State of Agriculture and Trade in the Colony of New South Wales 1823. Facsimile edition (Adelaide, 1966).

⁸⁴ Bigge, *Report Volume 1 The State of the Colony*, p.75; Ritchie, *Punishment and Profit*, p.218.

⁸⁵ Bigge, *Report Volume 2: Judicial Establishments*, p.54.

⁸⁶ *HRA III*, iv p.866 n40.

⁸⁷ The 44th clause in the statute 4 Geo. IV, cap. xcvi.

⁸⁸ Clark, *A Short History of Australia*, p.50; *HRA III*, iii p.xv.

provisions of a Bill for better regulation of Van Diemen's Land and New South Wales, and the eleven signatories⁸⁹ requested that Bathurst immediately advise His Majesty to carry into effect the provisions of the Bill.⁹⁰ In the event, the Bill was not formally proclaimed in the colony, until it was so proclaimed by Governor Ralph Darling in December 1825.

In retrospect, it appears that Sorell was a victim of changing views on morality in the post-Bigge 1820s and such views were to change more. Regardless of the success of his administration, it was his family situation which became the reason for his recall. His domestic arrangement was nothing new in the convict colony with its shortage of women, but the fact that he was in the highest position of authority in the colony was to tell against him in the end. It seems unlikely that Colonial Office officials would not have been aware of his domestic arrangements at the time of his appointment to Van Diemen's Land. It is also unlikely that he could return from the Cape of Good Hope and live with Mrs Kent between 1812 and 1816 without their knowledge, especially when Lieutenant Kent received another two overseas appointments and travelled without his wife.

In 1817, Bathurst had removed Sorell's predecessor, Thomas Davey from office. In March 1815, Macquarie had written to Bathurst complaining about Davey.⁹¹ In 1813 during Davey's stay at Sydney before he proceeded to Van Diemen's Land,

⁸⁹ *HRA* III, iv pp.475-7, Edward Lord, John Ingle, Wm. Wilkinson, James Grant, Thos. Simpson, Thos. Kent, J. Duncan, D. Ker (sic), Joseph Thomas Watson, James King and John Kerr.

⁹⁰ The Act was English statute, 4 Geo. IV, cap. xcvi *HRA* III, iv p.866 n40.

⁹¹ *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume viii. July 1813-December 1815* (Sydney, 19160, pp.458-61 Macquarie to Bathurst, 22 March 1815.

Macquarie had observed an ‘extraordinary degree of frivolity and low buffoonery’,⁹² in his manners, and he was still receiving reports of Davey being ‘dissipated and profligate in his private life’ as well as being ‘extremely venal and corrupt in his public Capacity’.⁹³ According to Macquarie, what made the situation ‘the more gross and offensive’ was that Davey was a married man and his wife and daughter were both ‘very amiable and highly respectable’,⁹⁴ and he suggested that Davey be immediately relieved or superseded by some person of greater energy of mind and of more honourable principles.⁹⁵

It took thirteen months before Macquarie received a response from Downing Street. Bathurst explained that the effect of a bad example in a commanding officer had a direct tendency to defeat the objects for which the colony was formed, and for this reason His Royal Highness deemed it necessary to remove Davey.⁹⁶ Nevertheless, with the explanation of this policy, when Sorell was found guilty of ‘criminal conversation’⁹⁷ in a court of justice, in the case brought by Kent, he was permitted to continue in office for nearly seven years.

Maybe it was because of Sorell’s administrative capabilities that Macquarie chose to overlook the Lieutenant-Governor’s situation; because the forsaken family was out of sight; because his own wife highly approved of Sorell; or because of Macquarie’s

⁹² *HRA* I, viii p.458 Macquarie to Bathurst, 22 March 1815.

⁹³ *HRA* I, viii p.459 Macquarie to Bathurst, 22 March 1815.

⁹⁴ *HRA* I, viii p.459 Macquarie to Bathurst, 22 March 1815.

⁹⁵ *HRA* I, viii p.460 Macquarie to Bathurst, 22 March 1815.

⁹⁶ *HRA* I, ix p.113, Bathurst to Macquarie, 18 April 1816.

⁹⁷ *HRA* III, ii p.781 n128 ‘Kent Esqr. v Sorell Esqr.’; Stone, *Road To Divorce: England 1530-1987*, pp.231-300 presents an extensive coverage of ‘criminal conversation’.

illness. According to Manning Clark, at the beginning of 1817 Macquarie was so desperate for support, that when Sorell arrived at Sydney Cove with Mrs Kent, Macquarie hailed his arrival with sincere pleasure despite Sorell's 'flagrant flouting of the seventh commandment'.⁹⁸ Dr Joseph Arnold observed that between 1810 and 1815 Macquarie had vastly altered, and in the latter year, described his condition to be 'as if a frost had penetrated his being'.⁹⁹ It appears that Macquarie's illness was still present in 1816 and 1817 when Edward Robarts discerned a similar iciness, 'if not a paranoia' in the Governor.¹⁰⁰ At the end of 1819, Macquarie was reported to have another serious illness, and yet more evidence surfaced in January 1820, when, in correspondence with Gilbert Cimitiere at Launceston, Sorell described Macquarie as being 'seriously ill'.¹⁰¹

Yet it does seem that Macquarie took an instant dislike to Davey, after which, the animosity continued. Regardless of any specific reason, Sorell was the first administrator of whom Macquarie approved. He had disapproved of five of Sorell's predecessors.¹⁰² It seems almost unquestionable that Sorell was a more successful administrator and also more popular than Davey, which may have been a contributing factor in him being allowed to continue in his position of authority for so long; despite the fact that it had been proved that he had not made adequate financial provision for his wife and children in England. The suggestion was made

⁹⁸ C.M.H. Clark, *A History of Australia Volume 1 : From the earliest times to the age of Macquarie* (first published 1962; reprinted Carlton, 1981), p.310.

⁹⁹ Ritchie, *Lachlan Macquarie: A Biography*, p.152.

¹⁰⁰ Ritchie, *Lachlan Macquarie; A Biography*, p.152.

¹⁰¹ *HRA* III, iii p.82 Sorell to Cimitiere, 22 January 1820.

¹⁰² Colonel David Collins 1804-1810; Lieutenant Edward Lord 1810; Captain John Murray 1810-1812; Lieutenant-Colonel Andrew Geils 1812-1813; Colonel Thomas Davey 1813-1817.

by Frederick Watson, editor of *Historical Records of Australia*, that there appeared to 'have been some mitigating circumstances', but these were unexplained.¹⁰³

Notwithstanding his recall, Sorell was retained in his position for seven years, which was longer than any other early administrator in either New South Wales or Van Diemen's Land, with the exception of Macquarie and Arthur.¹⁰⁴ Macquarie served for eleven years, and Arthur for twelve years. Sorell's immediate predecessor, Davey, was recalled after four years, and in New South Wales during the early years, John Hunter, William Bligh and Ralph Darling were dismissed after much adverse comment and also in disgrace.

In Van Diemen's Land the first administrator, John Bowen, was replaced after only five months by David Collins, who was the longest serving of Sorell's predecessors, and who died in office after six years. The combined administrations of Edward Lord, John Murray and Andrew Geils, the interim commandants following the death of Collins, did not exceed three years. Davey was recalled after four years, and with the exception of Arthur, who governed for twelve years, it was not until Sir William Denison's appointment as Lieutenant-Governor in January 1847, that the length of

¹⁰³ HRA III, ii p.781 n128.

¹⁰⁴ In Van Diemen's Land: John Bowen, September 1803-February 1804; David Collins, February 1804-March 1810; Edward Lord, March 1810-July 1810; John Murray, July 1810-February 1812; Andrew Geils, February 1812-February 1813; Thomas Davey, February 1813-April 1817; George Arthur, May 1824-October 1836; Kenneth Snodgrass, October 1836-January 1837; Sir John Franklin, January 1837-August 1843; Sir John E. Eardley-Wilmot, August 1843-October 1846; Charles J. LaTrobe, October 1846-January 1847, see Robson, *The History of Tasmania Volume 1*, p.535. In New South Wales, Arthur Phillip, January 1788-August 1795; John Hunter, August 1795-September 1800; Philip King, September 1800-August 1806; William Bligh, August 1806-January 1808; George Johnstone January 1808-May 1809; Joseph Foveaux; William Paterson; Lachlan Macquarie, January 1810-December 1821; Sir Thomas Brisbane, December 1821-December 1825; Sir Ralph Darling, December 1825-March 1831, see *Australasian Pocket Almanack for the year of Our Lord 1826; being the second after Bissextile, or Leap Year; and the seventh of the reign of His Most Gracious Majesty King George the Fourth* (Sydney, 1826), p.98. Pike (General editor), *ADB Volume 1*, pp.282-6.

Sorell's term was exceeded in Van Diemen's Land, confirming perhaps Bigge's estimate of him as an administrator of 'great and distinguished merit'.¹⁰⁵

¹⁰⁵ *HRA* III, iv p.683 Bigge to Bathurst, 3 February 1823.

CHAPTER 9

RECALL AND DEPARTURE

Once rumours of Lieutenant-Governor William Sorell's recall began to circulate, concern was raised amongst the colonists. Settler Charles Rowcroft described the reported recall of Sorell as creating a 'great sensation' in the island.¹ It was his belief that no man could have been more capable of filling the 'arduous and delicate situation', and likewise no man could have been 'more anxious and laborious in promoting the welfare of the Colony' than Sorell.² At a public protest meeting held in Hobart Town on 30 October 1823, it was decided that an appeal be made to His Majesty that praised Sorell during his term of office, deplored his recall, and appealed for his continuation in office as Lieutenant-Governor.³

A committee of fifteen influential settlers was appointed to prepare the address and petition, which was to be forwarded to the Colonial Agent in London for him to submit to the King. It was also resolved to seek voluntary subscriptions to defray expenses, and also for the purpose of presenting Sorell with a piece of silver plate in token of the settlers' 'affectionate remembrance' of the 'great obligations' they owed

¹ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825* (Sydney, 1921), p.471 Memorandum (undated) Enclosure No. 2 in *HRA* III, iv pp.470-3 Rowcroft to Under-Secretary Wilmot, 27 June 1823. See M. Nicholls (ed.), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), 17 August 1822, p.353 and 3 December 1822, p.373 that Rowcroft later became a magistrate and a Justice of the Peace.

² *HRA* III, iv p.471 Memorandum (undated) Enclosure No. 2 in *HRA* III, iv pp.470-3. Rowcroft to Under-Secretary Wilmot, 27 June 1823.

him.⁴ The eighth and final resolution taken at the meeting was one concerning publicity: that the resolutions, and a copy of the address to His Majesty were to be inserted three times in *The Hobart Town Gazette*, *The Sydney Gazette*, and also in the London papers *The Times*, *New Times*, *Morning Chronicle* and *Courier*. The day after, copies of the resolutions and address were presented to Sorell. The reality that Sorell had overcome previous opposition to his administration is shown by the fact that Anthony Fenn Kemp was the chairman of the committee, and he was the person who moved the second resolution which called for a ‘most dutiful Address [to] be presented to his Majesty’.⁵ In response to the resolutions and address presented to him, Sorell expressed his happiness at being able to share the gradual amalgamation of feelings and hopes which resulted in a loyal and united colony.⁶

The northern colonists also sensed the anticipated loss, and at a meeting in Launceston the following month, it was unanimously resolved that during Sorell’s administration, prosperity had rapidly and uniformly increased, and progress and general improvement had been ‘great beyond example in the early History of Colonies’.⁷ Flattering references were made to his energetic work in connection with the construction of roads, bridges and public buildings, the improvement of government schools, and the encouragement of agriculture. The subscription and

³ J. West, *The History of Tasmania* A.G.L. Shaw edition (Sydney, 1981), pp.76-7, ‘That a most dutiful Address be presented to his Majesty . . .’.

⁴ West, *The History of Tasmania*, pp.76-8.

⁵ West, *The History of Tasmania*, pp.76-8.

⁶ R.W. Giblin, *The Early History of Tasmania, Volume 11* (Melbourne, 1939), p.374, see also *The Hobart Town Gazette and Southern Reporter*, 25 October 1823, 1 November 1823.

⁷ *HTG*, 8 November 1823.

publicity schemes adopted at Hobart Town were also endorsed,⁸ and 500 guineas (£525) were later raised by voluntary contributions for the silver plate.⁹

When forwarding the petition and resolutions to the Colonial Agent in London, in his letter dated 18 January 1824, Kemp hinted at the differences that had formerly arisen between him and Sorell and the change that had since occurred. He gave his reason:

After witnessing for nearly seven Years his unremitting Attention to the duties of his Station, and his high Talent for public Business, I sunk all remembrance of private Feeling, and cheerfully joined my Fellow Colonists in forwarding a Public measure, from a deep conviction that our Personal rights and the General Security of Property will hardly find a more able and upright protector than Lieutenant Governor Sorell.¹⁰

It is unclear whether Kemp's change of opinion after 1820 was affected by an awareness that his first family of two children was ex-nuptial,¹¹ reflects deviousness, or indeed is indicative of a maturing view of the interests of the colony. Around the time an allegiance to the new colony was becoming evident, one settler described a 'degree of nationality',¹² and colonists were enjoying prosperity. According to historian Manning Clark, as early as 1819 observers from England noticed how the 'native born were beginning to differ from the migrants both in appearance and speech'.¹³ In an 1822 publication, James Dixon, occasional visitor to the colony and commander of the *Skelton*, wrote how the children born in the Australian colonies were tall and 'well made', had grown up and spoke a better language which was

⁸ Giblin, *The Early History of Tasmania* 11, p.374.

⁹ 'Journal of William Sorell. 1 August 1823-12 August 1825', 15 June 1824; *HTG* 18 June 1824 p.2, col. 1, the plate arrived on the *Alfred* on 15 June 1824, two days after Sorell's departure. Whether Sorell ever received the gift is unknown, and his descendants have been unsuccessful in tracing it.

¹⁰ *HRA* III, iv pp.547-50 Kemp to Barnard, 18 January 1824.

¹¹ N. Shakespeare, 'Kemp and Potter' in I. Jack (editor), *Granta 74: The magazine of new writing* (London, 2001), pp.227-9.

¹² E. Curr, *An Account of the Colony of the colony of Van Diemen's Land; Principally designed for the use of emigrants*. (London, 1824) Facsimile Reproduction (Hobart, 1967), p.19.

‘purer’ and more ‘harmonious’ than was generally the case in most parts of England. He also thought that the amalgamation of such various dialects assembled together seemed to improve the ‘mode of articulating the words’.¹⁴

Settlers with capital were being attracted by the increasing wealth of the colony, and were arriving in increasing numbers and receiving substantial land grants in relation to the capital they brought with them. The Aboriginal population as reported by T.H. James appeared to pose no serious problem,¹⁵ and the bushranging transgressions were being brought under control, the convicts were either being assigned to settlers or employed on public works, and a productive economy and a social structure was developing. As merchants gained from the increasing wealth, there were opportunities for merchants, importers, shippers and graziers. A leading figure amongst them was Kemp.

An influence might have been expected from the office bearers elected at the public meeting on 1 January 1821 to form the Agricultural Society, for which Kemp was one of eight Vice-Presidents. Sorell had ‘honoured the society with his presence’ and had been pleased to accept the position of Patron.¹⁶ It also seems reasonable to assume that Kemp was encouraged by the other signatories of the petition against the

¹³ M. Clark, *A Short History of Australia. Illustrated Edition* (Ringwood, 1992), p.46.

¹⁴ J. Dixon, *Narrative of a voyage to NSW and Van Diemen’s Land in the Ship Skelton during the year 1820 with observations of the state of these colonies, and a variety of information, calculated to be useful to emigrants. By James Dixon, commander of the Skelton with an appendix, containing Governor Mc Quarie’s Report regarding Van Diemen’s Land, Tables of the Population, List of Articles Suitable for Exportation etc. etc.* (Edinburgh and London, 1822), p 46.

¹⁵ *Morning Chronicle* (London), 27 December 1824 p.2, col. 1-2.

¹⁶ President: Edward Lord. Vice-presidents: Edward Bromley, James Gordon, George Gunning, Adolarius Humphrey, Charles Jeffreys, Anthony Kemp, Thomas Lascelles, William Talbot. For further office bearers see Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, pp.351-2.

recall of Sorell, most of whom received substantial land grants during his administration. Several were merchants: Walter Bethune and George Read, the Superintendent of Carpenters, were both in partnership with Kemp at various times, at least eight were Justices-of-the-Peace, and one was a Surgeon.¹⁷ Sorell's official recall would have reached him about the same time or even before the petition left Van Diemen's Land, as Lord Bathurst's letter was dated 26 August 1823.¹⁸

At Hobart Town vessels with passengers and merchandise continued to arrive at an increasing rate. One was the *Triton*, on which was passenger John Busby, a Scottish engineer who, in March 1823 had been offered and accepted the appointment as a mineral surveyor and civil engineer in New South Wales.¹⁹ On the voyage the ship stayed at Hobart Town for some weeks, where Sorell grasped the opportunity, and induced Busby to examine and report on the coal obtained from various districts,²⁰ and also to consider the question of a water supply for Hobart Town. Busby's main study was his general survey of the water system from wells and the rivulet flowing from the mountain. He advised the early adoption of methods to improve the quality of water, and he also detailed the work required to give householders a sufficient

¹⁷ West, *The History of Van Diemen's Land*, p.78 The signatories: E. Abbott, T. Anstey, J. Archer, W.A. Bethune, F. Dawes, H.J. Emmett, J. Gordon, T.G. Gregson, S. Hood, A.W.H. Humphrey, A.F. Kemp R.L. Murray H. Ross G.F. Read J. Scott. The surgeon was Hood. Kemp and Read had a store on the north east corner of Argyle and Macquarie Streets.

¹⁸ *HRA* III, iv p.85 Bathurst to Sorell, 26 August 1823. A search of *Historical Records of Australia* and of Archives Office of Tasmania records gives no date of arrival of the despatch in the colony, or any indication of the ship on which it was transmitted.

¹⁹ *Historical Records of Australia. Series I. Governors' Despatches to and from Sir Thomas Brisbane. Volume xi. January 1825-December 1826* (Sydney, 1917), p.107; D. Pike (General editor), *Australian Dictionary of Biography Volume 1 1788-1850 A-H* (Carlton, 1966), pp.188-9, *HRA* I, xi p.527 Bathurst to Brisbane, 25 February 1825.

²⁰ *HRA* III, iv p.583 Sorell to Horton, 29 November 1824.

supply of water.²¹ Soon after Busby sailed for Port Jackson, Sorell visited the Coal River. He realized that the district needed a township within its area, and during the visit he supervised the laying out of a centre, which, according to his son, was named 'Richmond' by Sorell.²² Sorell's initiative was commended in 1837 when Reverend Robert Knopwood praised the 'most beautiful bridge of 6 or 7 arches, began by that worthy and much beloved Governor Coll. Sorell, the greatest ornament that can be to the Town of Richmond'.²³ Whilst Busby made his departure for Sydney, the new Lieutenant-Governor was preparing for a longer journey.

Before the *Adrian* left Britain with George Arthur aboard for his new appointment, Horton held talks with him at the Colonial Office. As well as being assured that Van Diemen's Land would be made governmentally separate from New South Wales in the near future,²⁴ he was also presented with Bigge's recommendations, and thereby furnished with an outline of how to conduct his administration, as well as an account of how the colonists of Van Diemen's Land had failed to live up to the standards expected from His Majesty's government. Arthur read of how he was to prohibit the importation of private merchandise on convict ships, and how he was to levy quit rents payable after five years but redeemable after twenty. He had his attention drawn to recommendations concerning the salaries of the police, licence fees to be

²¹ *HRA* I, xi pp.107-8 Horton to Brisbane, 19 August 1823 and Enclosure pp.107-8 Under-Secretary Wilmot to Busby, 29 March 1823, *HRA* III, iv p.885-6 n137.

²² 'Journal of William Sorell' 21 February to 23 February 1824.

²³ *HRA* III, iv pp.885-6 n137; Giblin, *The Early History of Tasmania II*, p.376; Nicholls (ed.), *Diary of the Reverend Robert Knopwood*, 17 May 1837, p.664.

²⁴ Arthur's commission reflected this, although his powers were somewhat tentative until 3 December 1825 when the island was made independent of New South Wales; L Robson, *A History of Tasmania Volume I: Van Diemen's Land from the Earliest Times to 1855* (Melbourne, 1983), pp.138-40; *HRA* III, iv pp.78-81 Arthur to Horton, 28 July 1823.

paid by publicans, an increase in the number of magistrates, details of Launceston, reserves for clergy and schools, the planting of flax, the repeal of colonial duties on seal-skins, and the need for the appointment of additional clergy for Van Diemen's Land and two more schools and places of worship and interment at Pitt Water.²⁵

When the new Chief Justice John Pedder arrived on 15 March 1824, bringing with him the Royal Charter, Sorell learnt that his successor, who should have reached the Derwent about the same time, had been delayed as his ship had been seriously damaged in a storm and compelled to put into port to refit. Arthur landed on 12 May, and two days later was sworn into office.²⁶ According to Knopwood, Arthur visited Sorell, who made 'an elegant speech', in which he said that for over seven years he had witnessed a change in the colony, from 'little more than a penal appendage to New South Wales' with a population under 2,000, to a 'free and rising colony' of 11,000 people in 'great part by emigration from the Mother Country and defused over a large portion of the island'.²⁷

As a result of Bathurst's request that Sorell 'give every facility' to his successor, Sorell supplied Arthur with a detailed account of the island and disclosed the hardships with which he had to contend.²⁸ His report ranged from the deterioration

²⁵ Robson, *A History of Tasmania Volume 1*, p.139; *HRA* III, iv p.86 Bathurst to Arthur, 1 September 1823.

²⁶ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 31 March 1824, p.415; 12 May 1824, p.419.

²⁷ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 14 May 1824, p.420. According to H.M. Hull, *Statistical Summary of Tasmania from the year 1816 to 1865 inclusive. Compiled from government gazettes, blue books and statistical tables.* (Hobart Town, 1866), p.3, in 1817 the population was 3,114 and in 1824 it was 12,303.

²⁸ *HRA* III, iv p.85 Bathurst to Sorell, 26 August 1823.

in revenue and its effect on the maintenance of convicts in government service, to details of assistance in the erection of chapels. He also reported how he had directed his attention to opening communications to the districts in order of settlement; a road to New Norfolk, then on both sides of the Derwent from Hobart Town to Pitt Water and the Coal River where the Richmond Bridge was in progress. He also detailed how he had endeavoured to link Hobart Town and Launceston with 'good ferries and Bridges'.²⁹ Having made his reports, Sorell lost little time preparing for his departure.

On 9 June 1824 a banquet, an apparently jovial occasion, was given in Sorell's honour at Stodart's Hotel,³⁰ where 'the cup was often replenished, and the flow of reason never ebbed'.³¹ Three days later Lieutenant-Governor Arthur, the Chief Justice, the officers, magistrates and the 'gentlemen of the Colony' accompanied Sorell to King's Wharf in readiness for his departure, and as the battery fired a salute of thirteen guns, he embarked with 'all the honors that could be paid him'. Knopwood expressed regret that he, 'with many others, may truly say we have lost our friend', and he sadly noted how Mrs Kent boarded separately.³² The *Guildford*

²⁹ HRA III, iv p.147 Sorell to Arthur, 22 May 1824 Enclosure No. 1 Arthur to Bathurst, 9 June 1824, pp.134-154.

³⁰ Stodart's was licensed as 'Macquarie Hotel', and later known as 'Macquarie House'. It was the original residence of Dr Birch and erected in 1815 on the north-east corner of Victoria and Macquarie Streets and known as *Birch's Castle*. Robert Stodart was licensee between 1824 and 1836 and was where Macquarie stayed when he visited Hobart Town in 1821. In both 1825 and 1826 Stodart's was the venue for a dinner and party which commemorated Sorell's arrival. The commemorative dinners and parties continued many years after Sorell's departure, see Nicholls (ed.), *The Diary of the Reverend Robert Knopwood* 7 April 1825, p.448, 10 April 1826, p.478. See further, D.J. Bryce, *Pubs in Hobart from 1807* (Hobart, 1997), pp.104-6, p.156.

³¹ West, *The History of Tasmania*, p.74; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 9 June 1824, p.425.

³² HTG 18 June 1824 p.2, col. 1; Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, 11, 12 and 13 June 1824, pp.425-6.

sailed for England on 13 June 1824³³ with Sorell aboard, after having administered the colony for seven years and five weeks.

When Sorell arrived in London he had with him the Memorial which bore the signatures of 102 settlers, and which prayed for Van Diemen's Land to be made into a separate colony independent of the government of New South Wales. Sorell had previously explained to the settlers that even though the colony was prosperous, independence would bring a host of difficulties, including extra expenses which the government could not afford. Nevertheless, he thought the colonists should instead seek a judge and court of their own, or otherwise have regular visits by a judge from Sydney. Sorell transmitted the Memorial to Bathurst with a letter explaining his own attitude concerning independence. He told how, when the proceedings were first communicated to him, he had informed the promoters that in his opinion the movement was premature. His judgment was that it would benefit the colony if communications with the British government were allowed to be direct, and not dependent on New South Wales, but the administration functions of the colony should not be independent of New South Wales.³⁴

Some of Sorell's predictions of the difficulties associated with independence later came true, one being the large expense incurred by the formation of numerous

³³ AOT CSO 63 Departure list for *Guildford* 13 June 1824 includes 'Col. & Mrs Sorell and 7 children', these would have been one Kent girl, Edmund, Robert, Henry, Matilda, Frederick and George.

³⁴ *HRA III*, iv pp.576-80 Sorell to Bathurst, 26 November 1824; H. Melville, *The History of Van Diemen's Land from the year 1824-1835 inclusive during the administration of Lieutenant-Governor George Arthur* Edited by George Mackaness (London, 1835), pp.20-1, 52-3 Sorell transmitted the Memorial in November 1824.

departments, previously unnecessary. Another followed when the Charter appointed two councils, the Executive and the Legislative, the members of both were nominated by the Lieutenant-Governor, and the Home Government invariably approved of the nominations. This afforded the colony a new, if modest, form of representation in government, but at a cost.

After Sorell's departure from Van Diemen's Land, the only family member to remain was William, the first born child of William and Harriet Sorell. He had arrived on 27 December 1823, less than five months before his father's departure. William junior who had not seen his father since he was seven years of age, was introduced to Mrs Kent and family, and settled into Government House.³⁵ According to Commissioner Bigge, sometime before February 1823 he had received a letter from William, and Bigge had reason to presume that there had been some disregard of William as well as other claims of 'Paternal support'. Bigge found it difficult to restrain William from proceeding to the colony and asserting his claims in person.³⁶ To save the Lieutenant-Governor embarrassment, Bigge appealed to the Colonial Office, and with the blessing of Bathurst, and a recommendation to the notice of Arthur, William arrived at Hobart Town.³⁷

The Lieutenant-Governor's son was soon employed. On the sudden death during the journey to the colony of Mr Butler, the officer chosen by the Colonial Office to be Registrar of the new Supreme Court, Sorell senior suggested his son to Arthur and

³⁵ 'Journal of William Sorell', 27-30 December 1823.

³⁶ *HRA* III, iv p.684 Bigge to Bathurst, 3 February 1823.

also to Governor-in-Chief Thomas Brisbane in Sydney. Though William's qualifications for the post appear to have been very modest, he was nevertheless approved for the position by Chief Justice Pedder, and on 8 May 1824 received the warrant of appointment and took the oaths of office as Registrar two days later, a week before his father's departure.³⁸

Perhaps as unexpected as the about-face by Kemp over Sorell, was William's marriage to Elizabeth Julia, daughter of Anthony Fenn Kemp in 1825. The marriage was not ultimately successful, and as already discussed, in 1838, on the pretext that she was taking the children to Europe to 'further their education', Elizabeth Sorell abandoned her children in Brussels from where she eloped to India with Colonel George Deare whom she had known in Hobart Town. At the time Colonel Sorell was living in Belgium with his sister, a Mrs Gregg, from where it took him almost two years to arrange the return of his five grandchildren to their father in Hobart Town.³⁹

Soon after his arrival in England, Sorell 'had frequent interviews with Mr. Horton on the Colonial arrangements of the colony'.⁴⁰ According to the historian R. W. Giblin, Sorell was 'no longer trammelled by the restraints and etiquette or discipline of

³⁷ *HRA* III, iv p.684 Bigge to Bathurst, 3 February 1823.

³⁸ *HRA* III, iv pp.157-8 Arthur told Bathurst 12 June 1824. AB694/TA35/13 p.6119 Sorell to Goulburn William's employment 28 August 1818; 'Journal of William Sorell', 24 April to 10 May 1824. William may not have been well educated, as an argument about the children's education, Sorell had said, was the reason for withholding funds from Harriet.

³⁹ L. Frost (ed.), *A Face in the Glass: The journal and life of Annie Baxter Dawbin* (Melbourne, 1992), p.138; P.B. Edwards, *Of Yesteryear and Nowadays* (Hawley, Beach, 1994), p.85.

⁴⁰ CO 323/125 Reel 935 pp.640-3 Sorell to Hay, 18 July 1827. 'Mr. Horton' was Wilmot Horton, Under-Secretary of State.

office' and he could speak out with authority.⁴¹ Two matters on which Sorell was questioned were Macquarie's George Town scheme, and Brisbane's system of compulsory and fixed-rate attachment of convicts to new land grants. The latter matter, in Sorell's view, was 'unequal in principle, erroneous in policy and nugatory in application'.⁴² Sorell made proposals which were useful, as Colonial Office officials were engaged on the preparation of new land regulations which were issued the following year.⁴³ Several times between 1824 and at least until November 1827, Sorell made requests to Under-Secretary Robert Hay and also Robert Wilmot Horton, both at the Colonial Office, that he be employed again. In support of one of his requests Sorell named Sir Henry Torrens as having spoken to Horton as early as 1824.⁴⁴

Relatively little else is known of Colonel Sorell, Mrs Kent and the children once they returned to London. Sorell was not given a further administrative appointment, but had his pension of £500 a year and his new grant of 2,000 acres,⁴⁵ making a total of approximately 11,810 acres and possibly as much as 12,710 acres that he had been granted in the colony. In 1826 it was reported in the Hobart Town press that 'Our late much esteemed Lieutenant-Governor Colonel Sorell' and his family were

⁴¹ Giblin, *The Early History of Tasmania II*, p.383.

⁴² *HRA III*, iv pp.570-4 Sorell to Horton, 19 November 1824.

⁴³ Giblin, *The Early History of Tasmania II*, p.383; *HRA III*, iv pp.570-4 Sorell to Horton, 19 November 1824.

⁴⁴ CO 323/125 p.622, 10 April 1827 Sorell's name is in the Patronage Book as a candidate for employment; CO 323/125 pp.640-1 Sorell to Hay 18 July 1827 and pp.644-6 a 'confidential' letter; CO 323/125 pp.658-9, August 1827 Sorell to Hay; CO 323/125 pp.662-3, 18 November 1827 Sorell to Hay, from Brussels.

⁴⁵ *Historical Records of Australia. Series III. Despatches and Papers relating to the History of Tasmania. Volume vii. Tasmania, January-December 1828* (Canberra, 1997), p.639 Arthur to Murray, 5 November 1828.

residing in Ireland.⁴⁶ In January 1827 he was in London, from where he wrote to Under-Secretary Hay about the 900 acres of land adjoining his grant in the Macquarie district,⁴⁷ and by November he was living in Brussels, and at which time he was concerned about his 'long protracted expectation of Employment'.⁴⁸ In April 1831 Sorell was at Ostende, Belgium, a coastal town on the North Sea,⁴⁹ and in 1832 he received an appointment as British Consul-General at Oporto, Portugal.⁵⁰

In November 1835, Sorell was in Boulogne, France, from where he contacted Horton, and in August 1838, also from France, he wrote to Sir George Grey about what he could recall of a disputed 1821 land claim by a settler.⁵¹ A commemorative plaque for their son Henry indicates that Mrs Kent was still alive at the time of Henry's death on 15 June 1855.⁵² Sorell's death was reported by Mrs. M.A. Greenland who was present when he died on 4 June 1848, at 27 George Street, Marylebone London.⁵³

⁴⁶ *HTG* 5 August 1826, p.2, col. 3.

⁴⁷ GO 2/3 pp.14-15 Hay to Arthur, 25 or 27 January 1827 enclosing Sorell to Hay, 25 or 26 January 1827.

⁴⁸ CO 323/125 p.125 Sorell arrived in Brussels between August and November 1827.

⁴⁹ Sorell to Major Nairn, 18 October 1831 Sub-enclosure No. 2 in Nairn to Burnett, 7 March 1831 PRO Reel 251 CO 280/34 pp.17-19. Also spelt Ostend, it lies in the Dutch-speaking region of Belgium. Its name in Dutch is Oostende, see *The World Book Encyclopaedia (International)*, Volume 14 (Chicago, 1992), p.513.

⁵⁰ *The Independent*, 8 February 1833 p.2, col. 3. Oporto, also called Porto, is about 5 kilometres (3 miles) from the Atlantic Ocean, and today is Portugal's second largest city, see *The World Book Encyclopaedia* Vol. 15, p.697.

⁵¹ PRO Reel 267 CO 280/63 pp.492-4, 3 November 1835 Sorell to Horton from France about a reversion of a 1,000 acre land grant from his deceased son to himself; PRO Reel 291 CO 408/12 p.80 12 November 1835, Stephens to Sorell in reply; GO 1/32 pp.304-17 Sorell to Grey from Paris.

⁵² J. Sorell, *Governor, William and Julia Sorell (Three Generations in Van Diemen's Land)* (Bellerive, c1988), p.85, he was 'deeply lamented by his afflicted mother, sister and two brothers'. Also see Appendix A Figure 3.

⁵³ GRO District Marylebone, Sub-district: The Rectory Marylebone, County of Middlesex. Death Register reference 460/1848.

CONCLUSION

In retrospect, one of William Sorell's notable achievements was his perception of the very considerable potential for economic growth in Van Diemen's Land, harnessing that potential, and developing the colony in conjunction with the establishment of a system of control and assignment of convicts. In achieving this, he bequeathed a strong economy and effective convict system to his successor.

In 1817 the colony of Van Diemen's Land was still in its early stages of development. Penal in nature with few free settlers, it suffered from incompetent officials and also from understaffing. It was provided with fewer man-made resources and also had less convict labour than its senior colony of New South Wales, which had already been established for twenty-nine years. The number of convicts at the Derwent totalled 400, half of whom were employed by the government, seventy were assigned, ninety others were rationed on the store in the private service of government officers, and the remaining forty had tickets-of-leave. In 1821 there were 3,490 male and 337 female convicts, and 112 male convicts with a ticket-of-leave in the colony's population of 7,185.¹ At the time of Sorell's departure from the colony in 1824, the population had increased to approximately

¹ *Historical Records of Australia. Series I. Governors' despatches to and from England. Volume x. January 1819-December 1822* (Sydney, 1822), p.578 Enclosure No. 3 in Macquarie to Bathurst, 30 November 1821, pp.572-585 details of 1821 General Muster.

12,300², a little over half of whom were convicts, and another fifteen per cent were free by servitude.³

The principal factors underpinning Sorell's achievement of an effective convict system, inter-linked with expanding colonial economic development, and supported by prosperous settlers, were a free labour force combined with free land and capital. Colonists who were granted land were fortunate in having the means, and therefore the ability, to improve quickly, so ultimately free land promoted what R.M. Hartwell later described as 'individualism and democracy',⁴ and laid the foundations of economic stability. After 1820 with the rapid increase in settlers and with very little land close to the centres of activity remaining, a ready market for its sale developed,⁵ therefore further improving the financial situation of the colonists who had already received grants. The sale of land further benefitted the settlers by impressive road construction.

The building of roads, bridges, schools, chapels and public buildings which improved the colony for all settlers, was obviously a significant achievement for Sorell.⁶ Public works projects increased, and so enriched both settlers and officials, and also provided training and employment for convicts. Road construction was one

² H.M. Hull, *Statistical Summary of Tasmania from the year 1816 to 1865 inclusive. Compiled from government gazettes, blue books and statistical tables* (Hobart, 1866), p.3.

³ A. McKay, 'The Assignment System of Convict Labour in Van Diemen's Land'. Unpublished Master of Arts thesis. University of Tasmania (Hobart, 1958), p.19.

⁴ R.W. Hartwell, *The Economic Development of Van Diemen's Land 1820-1850*. (Melbourne, 1954), p.17.

⁵ Hartwell, *The Economic Development of Van Diemen's Land*, pp.17, 33.

⁶ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. 1803-June 1804* (Sydney, 1915), pp.140-1 Sorell to Arthur 22 May 1824 Enclosure No. 1 in pp.133-156 Arthur to Bathurst, 9 June 1824.

area which was especially beneficial to the settler even before completion.

While gangs of employed prisoners were maintained at the expense of the Crown, settlers used the partly constructed roads to transport their produce to market. A road from Hobart Town to New Norfolk was completed, a distance of twenty-one miles, and linked up with Earle Austin's Ferry which crossed the Derwent River. A greater undertaking, the highway from north to south was mapped and construction commenced. Many years elapsed however, before it was properly finished, until which time it incorporated many stretches of sandy tracks.⁷

By 1820 a weekly mail service was operating between Hobart Town and Launceston, and by 1823 the service had extended to George Town and Macquarie Plains in the north, and also to Pitt Water, New Norfolk and both the Clyde and Coal River areas in the south.⁸ Ships regularly arrived in the Derwent River with merchandise, especially ironmongery, hardware, slops and apparel, and left the colony mainly with farm, forest and sea products as exports. In 1823 the port of Hobart Town handled the arrival of fifty-seven vessels with total imports weighing 17,988 tons, and the same year fifty-two vessels departed with exports weighing 16,730 tons. During 1823, the last complete year of Sorell's administration, goods valued at £15,740 2s 2d were imported, and exported produce, which consisted mainly of wheat, barley, potatoes, casks of oil, wool and tallow, was valued at £24,734 10s 0d and further assistance to the colony was from the collection of £20,389 11s 10½ in customs and

⁷ J.W. Beattie, *Glimpses of the Lives and Times of the Early Tasmanian Governors* (Hobart, 1905), p.28.

⁸ Beattie, *Glimpses*, p.29. In September 1822 the cost of postage from the Derwent to Port Dalrymple was 1s 0s. for a letter or packet not exceeding one ounce in weight, see AOT GO 59/1 p.273.

duties,⁹ thus depicting the development of a positive trade balance under Sorell's administration.

As well as significant advances in the colony in economic terms, Sorell also demonstrated a concern for the spiritual welfare of the settlers. Though perhaps he was less committed to the idea of an active church than his successor, the evangelical George Arthur, Sorell nevertheless assisted settlers of different religious beliefs. He saw it as his 'particular object to provide, as quickly as circumstances would permit, for the due performance of Divine Worship in the Settled Districts, and for the Establishment of Schools'.¹⁰ In March 1821, he granted land in Hobart Town to Father Conolly, on which Conolly arranged the building of a Catholic Church,¹¹ and Sorell also provided land for the building of both a Presbyterian Chapel and a Wesleyan Chapel.¹² He also moved to establish a religious presence at Macquarie Harbour, and shortly after its establishment, Corporal Waddie set up a small Methodist Class, where by September 1823 he had enrolled seventeen convicts into his meeting group.¹³ After Waddie's departure that year, Sorell recommended that the Wesleyan, Reverend William Horton be encouraged to Macquarie Harbour, as it

⁹ *Statistical Account of Van Diemen's Land, or Tasmania: From the date of its first occupation by the British nation in 1804 to the end of the year 1823*. Compiled from official records in the office of the Colonial Secretary by Hugh M. Hull, and published by order of His Excellency H.E.F. Young, KNT, Gov.-in-chief of Tasmania. (Hobart Town, 1856), p.11.

¹⁰ *HRA* 111, iv p.140 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in pp.133-156 Arthur to Bathurst, 9 June 1824

¹¹ Beattie, *Glimpses*, p.37. The land is the present site of St. Mary's Cathedral, Harrington Street.

¹² *HRA* 111, iv p.140 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in pp.133-156 Arthur to Bathurst, 9 June 1824. The land granted for the Wesleyan Chapel is the current site of Wesley Uniting Church in Melville Street and is the second-oldest Methodist Chapel in Australia.

¹³ M.E.J. Stansall et al, *Tasmanian Methodism 1820-1975* (Hobart, 1975), p.15, 'Minute book of quarterly meetings of Hobart Town circuit 11, 30 June 1823 and 30 September 1823, AOT NS 499 118, cited H. Maxwell-Stewart and I. Duffield, 'Beyond Hell's Gates', *Bulletin of the Centre for Tasmanian Historical Studies*. University of Tasmania. Volume 5 No. 2, p.84.

was a 'Station particularly worthy' of his 'zeal'. Though in the short-term this effort was unfruitful, Sorell advised his intention to Arthur who eventually filled the position.¹⁴ Although St. David's Church (Church of England), was commenced under Thomas Davey's leadership, it was where, on 8 May 1819, that the first meeting of the Bible Society was held. On 7 April 1822, the church opened for service, and on 9 February 1823 it was consecrated by Reverend Samuel Marsden of Sydney.¹⁵

A man of considerable administrative experience, Sorell's list of achievements is impressive. As this thesis has demonstrated, soon after arrival in the colony he recommended and established a system of management for convicts, a system adopted by, and further expanded by his successor Arthur. As well as Sorell's assignment and public works programmes, it was as a result of his resourcefulness and organisation, that in 1821, a place of secondary punishment was established at Macquarie Harbour on the rugged west coast. His actions therefore improved conditions for the settlers, by the removal of re-offending criminals and locating them in a 'Place of rigid restraint and coercion', far away from settlement. Such re-transportation was also calculated to act as a deterrence to other possible convict re-offenders.¹⁶

¹⁴ *HRA* 111, iv p.140 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in pp.133-156 Arthur to Bathurst, 9 June 1824 After Waddie's departure Sorell was unsuccessful in inducing the Wesleyan lay preacher, Mr. Hutchinson, to combine the vacant missionary post at Macquarie Harbour with the office of Station Superintendent. Despite Sorell's efforts, the Macquarie Harbour class was shut down by its parent organisation in Hobart Town, see Maxwell-Stewart and Duffield, 'Beyond Hell's Gates', *CTHS* 5.2 pp.83-4.

¹⁵ Beattie, *Glimpses*, p.38; M. Nicholls (ed.), *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), 9 February 1823, p.383.

¹⁶ *HRA* III, iv pp.150-1 Sorell to Arthur, Enclosure No. 1 in Arthur to Bathurst, 9 June 1824 pp.133-154.

A feature of Sorell's administration was its capacity to accommodate the increasing number of convicts who arrived. He very successfully facilitated their assignment to settlers, many of whom had capital to invest and who started arriving in shiploads about the same time as the increase in the numbers of convicts. Sorell gave settlers first choice of convicts, whereas in New South Wales, Governor-in-Chief Lachlan Macquarie's system of allowing settlers second choice resulted in government procuring the most skilled men which left settlers to manage their farms as well as train their assistants.¹⁷ Alexander Read, an early settler in Van Diemen's Land, noted the differences between Macquarie, Sorell and Arthur in their control of settlers. Macquarie's attitude to free settlers in New South Wales was at best ambiguous, whereas Sorell was known and respected by those in Van Diemen's Land as a friend. Arthur wanted settlers to be role models for the convicts, and in his efforts to ensure social control, he increasingly limited their entrepreneurial aspirations. Another settler in the colony, Patrick Wood, agreed with Read, and described Sorell as furthering such aspirations and indeed doing everything in 'his power to make the situation of the Settlers comfortable'.¹⁸

This encouragement of entrepreneurialism is illustrated by the exercise, or otherwise, of land regulations by Sorell, in contrast to Arthur, who was notable for disciplining settlers in these matters, even by the resumption of land.¹⁹ In the case of Sorell, there

¹⁷ J.T. Bigge, *The Bigge Reports Volume 3. Report of the Commission of Inquiry on the State of Agriculture and Trade in the Colony of New South Wales*, 1823 (Adelaide, 1966), p.27.

¹⁸ P.L. Brown (ed.), *Clyde Company Papers Volume 1* (Oxford, 1941), p.6 Read and p.29 Wood.

¹⁹ *Historical Records of Australia. Series III. Despatches and Papers relating to the history of Tasmania. Volume vii. Tasmania, January-December 1828* (Canberra, 1997), p.738 n159. *Historical*

is no evidence to suggest that he revoked land grants from settlers for non-compliance with conditions of settlement. The only land he revoked was for reasons of public benefit, and even in such cases, the settlers gained an advantage from the transaction, perhaps further leading to his popularity, whether intentional or not, it is difficult to conclude. A few months after arrival, he issued an order prohibiting the erection of skillings, and where already erected, any extension was prohibited. However, even though there were cases where the order was not obeyed, by 1820 no allotments with skillings had been resumed because, generally the affected inhabitants pleaded their poverty.²⁰ Sorell's humanitarian response to this impasse, is perhaps an instance of a generous impulse in forming his policy, apart from his general favouring of entrepreneurialism, which further explains his popularity.

During Sorell's administration very few emancipists had their land resumed for other reasons either, as convict allotments were laid out after the streets had been regularly formed. However, some settlers did have allotments taken away from them for not fencing.²¹ In 1820 Sorell only authorized a total of twelve urban resumptions. One house was moved to a new plot, while another was moved because it stood across Elizabeth Street, and the other ten affected residents received compensation.²² In 1820, after representation from Sorell, Macquarie authorised the removal of

Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume v. Tasmania December 1825-March 1827 Northern territory 1823-1827. Western port Victoria 1826-1827 (Sydney, 1822), pp.118-9 Bathurst to Arthur, 5 March 1826.

²⁰ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iii. Tasmania January-December 1820* (Sydney, 1921), iii p.327 Evans to Bigge, 26 May 1820.

²¹ *HRA III*, iii pp.326-7 Evans to Bigge, 23 March 1820.

²² *HRA III*, iii pp.571-2 Return of Resumptions.

buildings on land either side of Government House. The houses were ‘old and ruinous’, and the land was so ‘essentially necessary for the use of Government’.²³

The impact of the economic and pastoral expansion is clearly a controversial aspect of Sorell’s administration. As already demonstrated in Chapter 7, the Aboriginal population decreased dramatically between 1817 and 1824, a period which coincided with rapid increases in settlers and convicts. In the southern areas of the colony in 1820, land grants were largely confined to the middle and lower reaches of the Derwent River and the estuary of the Coal River, and in the north, to the head of the Tamar River. By 1825 land which had been granted to settlers included the most fertile country between Hobart Town and Launceston,²⁴ the areas which therefore encroached on tribal migrations and the food gathering regions of the Aboriginal population.

Despite Sorell’s efforts to protect the Aboriginal inhabitants by issuing his proclamations, and by his efforts at civilizing them, which, at the time was understood to be beneficial for them, it is clear that the population dramatically declined. In March 1819 Sorell appeared to have a clear understanding of the effects of European settlement, when he expressed the hope that there would be no injuries in the encounters which were becoming more frequent because of the progressive occupation of the country.²⁵ However at the close of his administration, though he

²³ *HRA* III, iii p.13 Sorell to Macquarie, 1 May 1820; *HRA* III, iii p.47 Macquarie to Sorell, 22 August 1820.

²⁴ P. Scott, ‘Land Settlement’, in J.L. Davies (ed.), *Atlas of Tasmania* (Hobart, 1965), p.43.

²⁵ *The Hobart Town Gazette and Southern Reporter*, 13 March 1819 p.2, col. 1 and 27 March 1819 p.1, col. 2.

noted briefly in his report to Arthur, that at least around the Clyde River, the Aborigines might pose a policing problem,²⁶ he did not formally warn the British Government that the high rate of land grants might lead to more frequent ‘Cruelty and Aggression’ and the loss of lives.²⁷

Sorell’s failure to mention the colony’s Aborigines was not unique. Macquarie made no mention of them in the journals he wrote during his visit to the colony in 1821,²⁸ and Commissioner Bigge only mentioned them briefly. He described their character, and thought there was ‘no reason to presume’ they were numerous, or that they would create any serious resistance to any future extension of settlement.²⁹ How far Sorell may have concluded that the apparent quiescence of the Aborigines in the face of continuing expansion in 1822 and 1823 was a result of his urged policy of conciliation, is a matter of speculation, as is the possibility it may actually have been so. Nevertheless, the possibilities may explain his apparent failure to formally notify the British Government.

Sorell showed no reluctance in confiding to Arthur that in the early years he had a shortage of inhabitants he considered were suitable masters for convicts, and that when direct transportation to the colony began, he was ‘destitute of all efficient

²⁶ *HRA* III, iv p.149 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in Arthur to Bathurst, 9 June 1824, pp.133-156.

²⁷ *HTG*, 13 March 1819 p.2, col. 1 and 27 March 1819 p.1, col. 2.

²⁸ L. Macquarie, *Journals of his Tours in New South Wales and Van Diemen’s Land 1810-1822* (Sydney, 1956). Macquarie was in Van Diemen’s Land between 4 April 1821, p.169 and 30 June 1821, p.199.

²⁹ Bigge, *Report 3 Trade and Agriculture*, p.83.

means of restraint and coercion'.³⁰ The circumstance of a generally limited quality of masters may explain why Sorell apparently did not revoke any assigned convicts from settlers for bad behaviour, or for other reasons, and this was to be an aspect of control over which Sorell and Arthur differed.³¹

The establishment of Macquarie Harbour Penal Settlement had broadened Sorell's punishment options, but the settlement had a limited population capacity, and did not exceed 360 prisoners.³² According to modern historian Hamish Maxwell-Stewart, between 1816 and 1823, many convicted bushrangers who would otherwise have been executed, were re-transported. By contrast, after Arthur's arrival in 1824, reprieves became uncommon. Maxwell-Stewart calculated that 20% of the ninety bushrangers who operated in the colony between 1807 and 1823 were executed, whereas, of the 129 who operated in the decade of Arthur's office, 69% received the same fate.³³

The two leaders, Sorell and Arthur, provide contrasts in their approach to capital punishment. Sorell displayed a more lenient approach than Arthur, perhaps to some extent influenced by the want of a separate criminal jurisdiction in Van Diemen's Land, whereas the court option was available to Arthur. Illustrating the problem of

³⁰ *HRA* III, iv p.142 Sorell to Arthur, Enclosure No. 1 in Arthur to Bathurst, 9 June 1824 pp.133-154.

³¹ Apart from there being no apparent correspondence on these matters, Commissioner Bigge made no mention about lack of land resumption or removal of assigned convicts.

³² H. Maxwell-Stewart, 'I Could Not Blame the Rangers . . .' *Tasmanian Bushranging, Convicts and Convict Management*, *Tasmanian Historical Research Association, Papers and Proceedings*, 42.3, (September 1995), p.117.

³³ Maxwell-Stewart, 'I Could not Blame the Rangers . . .', *THRA P&P*, 42.3, (September 1995), p.117, see also that between 1807-23, 30% (27) were re-transported to a penal settlement whereas 1824-34 only 14.7% (19) were re-transported.

transporting charged offenders and witnesses to Sydney for trial, in the years between 1815 and 1819, only twenty-five people were sent for trial, accompanied by seventy-seven witnesses.³⁴

During Sorell's administration there were thirty-three recorded executions in Van Diemen's Land, ranging from one in 1819 to a maximum of nineteen in 1821.³⁵ In contrast, during Arthur's twelve year term, there were approximately 260 executions, which represents nearly half the total number in the colony's history.³⁶ One hundred and three of these were in the two years 1826 and 1827, and there were thirty in 1830.³⁷ Whilst this dramatic contrast in the rate of executions in Van Diemen's Land may indicate greater leniency on the part of Sorell, it is undeniable that such a policy could provide greater opportunities for rehabilitation for a range of offenders, a situation obviously denied offenders under Arthur's regime due to his higher rate of execution.

Arthur is well-known for his re-organisation and expansion of the civil establishment, but as author Roger Wettenhall suggests, 'some historians have

³⁴ J.T. Bigge, *The Bigge Reports Volume 2. Report of the Commission of Inquiry on the Judicial Establishments of New South Wales and Van Diemen's Land, 1823* (Adelaide, 1966), p.45.

³⁵ *Statistical Tables of Van Diemen's Land 1804 to 1823*, p.8, no figure given for 1817, but a note 'Criminals sent to Sydney for trial and execution'; p.8 three executed in 1818; p.9 one in 1819 and two in 1820; p.10 nineteen in 1821, see also *HRA* 1,x pp.507-8 Macquarie to Bathurst, 17 July 1821, that of the nineteen executions ten were at Hobart Town, five at Launceston and four at George Town. See Nicholls (ed.) *The Diary of the Reverend Robert Knopwood*, 16 August 1822, p.366 for names of four men executed in 1822, and 13 and 14 April 1823, pp.387-8, for names of four executed in 1823.

³⁶ R.P. Davis, *The Tasmanian Gallows: A Study of Capital Punishment* (Hobart, 1974), p.xiii, between 1806 and 1946 approximately 540 men and women were hanged in Tasmania (Van Diemen's Land), and where execution was abolished in 1968.

³⁷ Davis, *The Tasmanian Gallows*, p.13, M. Tipping, *Convicts Unbound: The Story of the Calcutta Convicts and their Settlement in Australia* (Ringwood, 1988), p.163; See also L. Robson, *A History of*

tended to accept Arthur's own somewhat rash claim that he created an organized system of government in the island'.³⁸ In fact Sorell had vigorously, if perhaps informally, been developing an administrative system to cope with the growth that occurred under his administration. Whilst by 1812 it was possible to identify four government departments, the number clearly increased during Sorell's term of office. By 1822 there were nine definable departments,³⁹ a fact which demonstrates Sorell's contribution to the administrative development of the colony.

Despite the apparent scandal surrounding his recall, Sorell completed a successful and popular term. It is notable how his one dangerous opponent Anthony Fenn Kemp actually changed to being a supporter. Equally significant were the petitions against his recall and the public collection for the piece of silver on his departure.

One of the anomalies of the dynamic Sorell era is the relatively slender documentation of his administration, in contrast to the vast and detailed documentation of his successor. This vast bureaucratic bulk of documentation of the Arthur era has sometimes tended to diminish the impact of Sorell's genuine achievements. Indeed it is possible that the relative lack of surviving records of the earlier period, by comparison with those from the Arthur period, might have

Tasmania,, Volume 1: Van Diemen's Land from the Earliest Times to 1855 (Melbourne, 1983), pp.147-8.

³⁸ See for example M.C.I. Levy, *Governor George Arthur a colonial benevolent despot*. (Melbourne, 1953), and compare with R.L. Wettenhall, 'The Introduction of Public Administration into Van Diemen's Land 1803-1812 Part I: The Public Service at the Derwent, 1803-1812' in *THRA P&P*, 7.3 (January 1959), pp.44-57 and R.L. Wettenhall, 'The Introduction of Public Administration into Van Diemen's Land. Part II: The Public Service at Port Dalrymple, 1804-1812', *THRA P&P*, 7.4 (June 1959), pp.66-75.

³⁹ AOT CSO/50/1 pp.7-50.

deprived historians of a greater understanding of Sorell's period as Lieutenant-Governor. The question arises of how far the survival of documents or their bureaucratic manufacture dictates the understanding and knowledge of history and its relationship to what actually happened or what was actually done. John West, in his classic history of Van Diemen's Land, only devoted fifteen pages to Sorell, whereas Arthur was the subject of fifty-seven pages.⁴⁰ The uneven emphasis in Lloyd Robson's major publication on the colony is even more noticeable, with 152 pages on Arthur, where information on Sorell only occupies thirty-nine pages.⁴¹ Nevertheless despite the discrepancy in bulk of these well-known narratives, it has been shown that Sorell was an active achiever who contributed substantially to the development of early Van Diemen's Land.

When Arthur arrived, the colony had only been established for twenty-one years but the European population had increased four-fold in the seven years of Sorell's administration. Van Diemen's Land was advancing economically, and the arrival of 'a better class of people' as the masters of assigned servants had led to 'a state of more rigid servitude', which the men had often escaped in the past when the settlers had needed servants regardless of their conduct.⁴²

The seven years of progress in Van Diemen's land during the administration of Sorell provided evidence that transportation, while being a means of punishment,

⁴⁰ J. West, *The History of Tasmania*. A.G.L. Shaw edition. (Sydney, 1981), Sorell pp.58-72, Arthur pp.79-136.

⁴¹ Robson, *A History of Tasmania, Volume I*, Arthur pp.137-288, Sorell pp.94-133,

also made sound economic policy. At the same time his vigorous economic leadership of the colony gave satisfaction, expansion and increasing prosperity to settlers, to the extent that the former fledgling colony of Van Diemen's Land began to compete in real economic terms with the original colony of New South Wales. If as has been indicated, this was achieved as Sorell warned, at the risk of deep social cost to the Aboriginal inhabitants of the colony, it also provided a vigorous viable basis for the elaborate reformatory convict assignment system of his successor, George Arthur.

⁴² *HRA* III, iv pp.134-154 Sorell to Arthur, 22 May 1824 Enclosure No. 1 in Arthur to Bathurst 9 June 1824 pp.133-154; A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London, 1966), p.188.

APPENDIX A¹

Figure 1:
Children of William Alexander Sorell and his wife Jane.²

1. William Sorell

born between 5 June 1773 and 22 September 1773,
baptised 22 September 1773 St. Mary's Church Marylebone London,
died 4 June 1848 27 George Street Marylebone London.

(Lieutenant-Governor of Van Diemen's Land 1817-1824)

2. Thomas Stephen³ born 1775-76, died 1834.

3. Edward born 1777, baptised 6 February 1777 Church of St. Mary Marylebone.

4. Catherina Maria Frances born 1778, married William Osborne Gregg 30 January 1797 St. Luke's Church Chelsea.⁴

¹ Unless otherwise noted here or in Chapter 1, details are from: P.B. Edwards, *Of Yesteryear and Nowadays* (Hawley Beach, 1994), pp.74-83, M.F. Sorell, 'Sorell Genealogy' (Hobart, 1987) (privately held), pp.1-3; 'Sorell Family Bible' (privately held), J. Sorell, *Governor, William and Julia Sorell (Three Generations in Van Diemen's Land)*, (Bellerive, c1988), pp.84-8.

² *International Genealogical Index* (Utah, March 1992), Church of Jesus Christ of Latter Day Saints, England, London pp.140,029-30, p.140,039.

³ According to *The Tasmanian*, 14 November 1828, p.2, col. 4, Lieutenant Colonel T. Sorell (brother of ex-Lieutenant-Governor Sorell) published an account of the expedition of Sir John Moore's campaign.

⁴ *IGI*, p.140,030 Edward's baptism, p.140,019 Catherina's marriage.

Figure 2:

Children of William Sorell (1773-1848)⁵ and Harriet Coleman (? baptised 29 July 1775) who married 31 July 1807, Church of St Mary, Marylebone.

1. William Sorell born 15 July 1800 Surrey, died 17 November 1860 Hobart⁶ married Elizabeth Julia Kemp.
2. Edward Sorell baptised 14 March 1804 St. Clement Danes Westminster, alive 1825.
3. Charles Sorell.
4. male - Thomas?
5. Louisa Sorell.
6. Matilda Sorell.
7. Harriet Sorell alive 1825.

In June 1818 the six surviving children were aged between 12 years and 17 years, therefore born between 1800 and 1807. Presumably Harriet Sorell (nee Coleman) was alive at the end of 1824, as her son William received a letter from her on 21 April 1825. William also received a letter from his brother Edward, and his sister Harriet on 1 July 1825.⁷

⁵ William died 4 June 1848 at 27 George Street, Marylebone. Cause of death diarrhoea, aged 74 years. GRO District Marylebone, Sub-district: The Rectory Marylebone, County of Middlesex. Death Register ref. 460/1848, see also *The London Times*, 8 June 1848.

⁶ *The Mercury*, 19 November 1860 p.2, col. 2-3. He died at 109 Macquarie Street, and buried St David's Cemetery

⁷ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume ii. Tasmania July 1812-December 1819* (Sydney, 1921), p.338 Harriet Sorell to Bathurst, 21 June 1818 Enclosure in Bathurst to Sorell, 6 August 1818, pp.337-9; 'Journal of William Sorell', pp.73, 82.

Figure 3:
Children of William Sorell (1773-1848) and Louisa Matilda Kent.

1. Edmund William Sorell born May-June 1812, died January-June 1825, London.
2. Robert Sheffield Sorell born 1814 England, died 14 April 1853 Guernsey, married Countess Nardine Soromitsnikoff.
3. Henry Edward Sorell born 1816 England, died 15 June 1855 Constantinople.
4. Matilda Louisa Sorell born 14 November 1817, baptised 12 December 1817⁸ Hobart Town, died 1892.
5. Frederick Edward Sorell born January 1819⁹ Hobart Town, died 20 November 1863 Meerut India.¹⁰
6. George Sorell born 22 July 1820 Hobart Town, baptised 28 August 1820¹¹ Hobart Town, died 10 July 1849
7. Lachlan Macquarie Sorell born 18 September 1822 Hobart Town, died 20 October 1822 Hobart Town, buried St David's Burial Ground¹²
8. Twins – both born and died 23 October 1823 Hobart Town¹³

Sorell's claim that Edmund was his son when Edmund had land granted to him in 1821, and Sorell's later claim of paternity in the 1830s when claiming Edmund's land, indicate Edmund was the first child of the Sorell/Kent liaison. William Sorell (son of William and Harriet), said Edmund was his brother; he was nine years old on 12 June 1821 when granted land, and he died in London at the age of twelve years.¹⁴ According to Colonial-Secretary Office records in March 1835, Edmund William Sorell was granted 1,000 acres in the district of Macquarie on 12 June 1821.¹⁵

There are no surviving descendants from this family, the last, Winifred Nadine (Nina) Sheffield Fairclough (nee Sorell), grand-daughter of Robert Sheffield Sorell, died in 1968.

⁸ M. Nicholls (ed.) *The Diary of the Reverend Robert Knopwood 1803-1838* (Hobart, 1977), p.266, 14 November 1817 'Mrs Sorell confined a girl'; p.268, 12 December 1817, 'the infant I x'nd'; *Hobart Town Gazette and Southern Reporter*, 15 November 1817 p.1, col. 2.

⁹ A. Alexander, *Governors' Ladies: The Wives and Mistresses of Van Diemen's Land Governors* (Hobart, 1987), p.75.

¹⁰ *The Mercury* 12 April 1864, p.2, col. 3.

¹¹ Nicholls (ed.), *The Diary of the Reverend Robert Knopwood*, pp.337, 394 for name, birth and baptism details.

¹² R. Lord (compiler), *Inscriptions in Stone: St. David's Burial Ground 1804-1872* (Hobart, 1976), p.125.

¹³ Nicholls (ed.) *The Diary of the Reverend Robert Knopwood*, p.399, 23 October 1823, 'Mrs S was confind, twins, both died. I waited upon the Lt. Govnr.'

¹⁴ GO 33/19, pp.451-6, 23 March 1835 Arthur to Lefevre advising that he had received a letter dated 18 August 1834 from Sorell wishing to have the land that was granted to his late 'son Edmund William' in 1821 by Macquarie transferred to him. According to Arthur, William Sorell junior supplied him with the above information. Assuming these details are correct, Edmund was born between 13 June 1811 and 12 June 1812, and died between 13 June 1823 and 11 June 1825, however dates given are the most likely.

¹⁵ CSO 1/783/16700, March 1835.

Figure 4:

Children of William Kent and Louisa Cox who married in 1804. Louisa b.c.1787, died after 1855,¹⁶ she was the daughter of Anne Diana (Sheffield) and Thomas Cox.¹⁷

1. child born 1804-05 England
2. child born 1806-07 England¹⁸
3. child born 1807-09 Cape of Good Hope
4. child born 1810-11 Cape of Good Hope¹⁹

At some time the Kent's had three children at the Cape.²⁰ The 'two surviving children, lovely girls' were of 'an age and understanding sufficient to be acquainted with their mother's disgrace' when she 'threw herself into the arms' of that 'treacherous seducer' Colonel Sorell²¹ when he returned to England in late 1811 almost three months after the Kent's arrival.

¹⁶ Sorell, *Governor, William and Julia Sorell*, poem, p. 85 Louisa was alive when Henry Edward died.

¹⁷ Army career information from personal correspondence with P.B Edwards in December 2000 lists: Robert, Major in the West Kent Regt.; Henry, Major in the 81st Regt., Frederick, Major in the 90th Regt., George, in the 43rd Regt.

¹⁸ AB694/TA35/10, pp.4208 in the 'Kent Esqr. v Sorell Esqr.' court case for criminal conversation, in evidence, Sir William. Dunbar said he had known the plaintiff upwards of 12 years, and visited him and his wife for nearly 2 years after their marriage, they had one child. AB694/TA35/10, p.4208, p.4210 Major McDonald said he knew the Kents at Ghent, Belgium, where they had 2 children, one of which died there. AB694/TA35/10, p.4199 Brougham, counsel for Kent, gave conflicting evidence: that between their marriage in 1804 until 1807, the Kents had lived in England 'where she had borne him two children'.

¹⁹ AB694/TA35/10, p.4202 Evidence of Brougham: At the Cape Mrs Kent 'was delivered of two children at different times' and Sorell 'stood god father for one of them in consequence of his own particular request'.

²⁰ AB694/TA35/10, p.4210 Captain Rainford in evidence, said he sailed to the Cape with the Kents in the same ship, he visited them constantly, and said they had three children.

²¹ AB694/TA35/10, p.4208 evidence of Brougham.

APPENDIX B

Complaints about the lack of information sent with convicts had a long history.

According to Governor Arthur Phillip in 1790, he had no record to determine whether or not some of the prisoners who arrived with the First Fleet had served their sentences.²² The basic list intended to be sent, was that attached to the Deed Poll, the instrument assigning the property, in the services of the convicts, first to the ship's master, and secondly to the colonial Governor.²³

Despite the *British Transportation Act* which was passed in June 1824, the situation did not improve. The Act which included a provision that a certificate specifying certain details amongst them: age, marital status, descriptions of crime, prison behaviour before and after trial, and trade or profession for each convict, was to be delivered to the contractor or shipping agent.²⁴

The following year, the Lieutenant-Governor of Van Diemen's Land, George Arthur complained that a hulk list had not been received for the *Henry*, and he needed details of their 'Crimes, former habits, connections, manner of Life, previous Convictions etc., etc.' He considered such details necessary to enable the convicts to be classified according to their gradations in crime, and he hoped that Under-

²² *Historical Records of Australia. Series I. Governors' Despatches to and from England. Volume i. 1788-1796* (Sydney, 1914), p.171 Phillip to Nepean, 15 April 1790.

²³ AOT CON 13; 24 Geo. 111, cap 56, 55 Geo. 111, cap 156 and 5 Geo. IV, cap. 84 cited P. Eldershaw, 'The Convict Department', *Tasmanian Historical Research Association Papers and Proceedings* 15.3 (January 1968), p.135.

²⁴ 5 Geo. 1V, cap. 84 cited P. Eldershaw, *Archives Office of Tasmania Guide to the Public Records of Tasmania. Section Three. Convict Department* (Hobart 1965), p.5.

Secretary Wilmot Horton would have the ‘goodness’ to arrange for the information to be ‘regularly and fully supplied’ in future.²⁵ However, despite the lack of information, Arthur thought that when the convicts were examined after arriving in Van Diemen’s Land, they generally revealed a ‘very fair statement’ of their past life, ‘apprehensive of being detected’ in stating what was untrue.²⁶

In October 1827 Arthur was still complaining about a lack of documents being sent with convicts, at which time he was in the ‘extraordinary predicament . . . of not being able to prove that the offenders transported from England were convicts’.²⁷ The situation was not restricted to Van Diemen’s Land, faulty indents affecting convicts in New South Wales were also complained of by Governors Lachlan Macquarie in 1820, Ralph Darling in 1828 and Richard Bourke in 1834.²⁸

²⁵ *Historical Records of Australia. Series III. Despatches and Papers relating to the settlement of the states. Volume iv. Tasmania 1821-December 1825* (Sydney, 1921), p.236 Arthur to Horton, 10 February 1825.

²⁶ Arthur/Select Committee 27 June 1837 ‘Report for Select Committee of Transportation . . . 1837’ p.279 ff. cited Eldershaw, ‘The Convict Department’, THRA P&P 15.3, pp.134-6.

²⁷ AOT GO 2/3 Arthur to Hay, 30 October 1827 cited Eldershaw, ‘The Convict Department’, THRA P&P 15.3, p.135.

²⁸ *Historical Records of Australia. Series I. Governors’ Despatches to and from England. Volume x. January 1819-December 1822* (Sydney 1917), p.334 Macquarie to Bathurst, 24 August 1820; *Historical Records of Australia. Series I. Governors’ Despatches to and from England. Volume xiv. March 1828-May 1929* (Sydney 1922), p.116 Darling to Huskisson, 5 April 1828; HRA I, xiv p.565 Darling to Murray, 30 December 1828; *Historical Records of Australia. Series I. Governors’ Despatches to and from England. Volume xv. June 1829-December 1830* (Sydney 1922), p.155 Darling to Twiss, 4 September 1829. *Historical Records of Australia. Series I. Governors’ despatches to and from England. Volume xvii. 1833-1839* (Sydney 1923), p.564 Bourke to Spring Rice, 30 October 1834.

APPENDIX C

Table 1:

Annual arrivals in New South Wales and Van Diemen's Land between 1810 and 1826, according to A.G.L. Shaw.²⁹

	<i>NSW males</i>	<i>NSW females</i>	<i>VDL males</i>	<i>VDL females</i>	<i>From other colonies</i>
1810	389	121			2
1811	337	138			3
1812	199	125	199		2
1813	538	54			
1814	839	332			11
1815	903	171			9
1816	1094	182			17
1817	1796	189			
1818	2845	292	148	60	
1819	2372	0	312	0	12
1820	2283	296	1347	50	9
1821	1528	130	1023	53	1
1822	1522	62	769	45	
1823	1464	199	923	117	5
1824	1006	147	672	50	1
1825	1544	366	686	135	
1826	1558	100	492	99	15

²⁹ A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London 1966), p.361.

Table 2:

Monthly arrivals of male and female convicts at Hobart Town between 9 April 1817 and 14 May 1824 according to Charles Bateson.³⁰

	1817	1818	1819	1820	1821	1822	1823	1824
Jan	—			347 m			170 m	150 m
Feb	—						50 f	
Mar	—		150 m	286 m	156 m			
April						159 m		50 f
May			157 m			182 m		
						45 f		
June		418 m	5 m		137 m			
July					172 m	132 m		
Aug				50 f			373 m	
Sept		30 f		61 m				
Oct				189 m	171 m		200 m	
							67 f	
Nov				150 m		297 m		
Dec		147 m		315 m	387 m		180 m	
					53 f			
Total	0	595	312	1398	1076	815	1040	200

³⁰ Figures compiled from C. Bateson, *The Convict Ships 1787-1868* (Sydney 1988), pp.342-5, 356-9, 381-4.

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TA00058 Commissariat Department

TA00060 Convict Department

TA00031 Goal (Branch)

TA01055 Hobart Lower Courts

TA00069 Lands and Survey Department

TA00442 Launceston General Hospital

TA01061 Launceston Lower Courts

TA00863 Lieutenant-Governor's Court

TA00932 Naval Department

TA00242 Police Department

TA01574 Probate Registry

TA01070 Richmond Lower Courts

TA00441 Royal Hobart Hospital

TA00036 Sheriff's Office

TA00042 Supreme Court (Registrar's Office)

TA00091 Treasury Department

AOT GO 1/1 Secretary of State for the Colonies to Van Diemen's Land.
 AOT GO 1/31 Secretary of State for the Colonies to Van Diemen's Land.
 AOT GO 2/3 Secretary of State for the Colonies to Van Diemen's Land.
 AOT GO 25/1 Letterbooks of despatches sent to the Secretary of State.
 AOT GO 26/1 Letterbooks of despatches sent to the Under-Secretary of State.
 AOT GO 29/1 Letterbooks of despatches sent to the Commissioner for the Navy.
 AOT GO 33/18 Duplicate despatches received by the Colonial Office.
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 AOT GO 33/27 Duplicate despatches received by the Colonial Office.
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